

5160.38 of the Revised Code shall not be required to sign an 33260
application for Title IV-D services. The support order shall be 33261
considered a Title IV-D case. 33262

Sec. 3301.07. The state board of education shall exercise 33263
under the acts of the general assembly general supervision of the 33264
system of public education in the state. In addition to the powers 33265
otherwise imposed on the state board under the provisions of law, 33266
the board shall have the powers described in this section. 33267

(A) The state board shall exercise policy forming, planning, 33268
and evaluative functions for the public schools of the state 33269
except as otherwise provided by law. 33270

(B)(1) The state board shall exercise leadership in the 33271
improvement of public education in this state, and administer the 33272
educational policies of this state relating to public schools, and 33273
relating to instruction and instructional material, building and 33274
equipment, transportation of pupils, administrative 33275
responsibilities of school officials and personnel, and finance 33276
and organization of school districts, educational service centers, 33277
and territory. Consultative and advisory services in such matters 33278
shall be provided by the board to school districts and educational 33279
service centers of this state. 33280

(2) The state board also shall develop a standard of 33281
financial reporting which shall be used by each school district 33282
board of education and ~~educational service center~~ each governing 33283
board of an educational service center, each governing authority 33284
of a community school established under Chapter 3314., each 33285
governing body of a STEM school established under Chapter 3328., 33286
and each board of trustees of a college-preparatory boarding 33287
school established under Chapter 3328. of the Revised Code to make 33288
its financial information and annual budgets for each school 33289
building under its control available to the public in a format 33290

understandable by the average citizen. The format shall show, 33291
~~among other things, both at the district and educational service~~ 33292
~~center level or and at the school building level, as determined~~ 33293
~~appropriate by the department of education, revenue by source, and~~ 33294
~~expenditures for salaries, wages, and benefits of employees,~~ 33295
~~showing such amounts separately for classroom teachers, other~~ 33296
~~employees required to hold licenses issued pursuant to sections~~ 33297
~~3319.22 to 3319.31 of the Revised Code, and all other employees,~~ 33298
~~expenditures other than for personnel, by category, including~~ 33299
~~utilities, textbooks and other educational materials, equipment,~~ 33300
~~permanent improvements, pupil transportation, extracurricular~~ 33301
~~athletics, and other extracurricular activities; and per pupil~~ 33302
~~expenditures for both classroom and nonclassroom purposes, as~~ 33303
~~defined by the standards adopted under section 3302.20 of the~~ 33304
~~Revised Code in the aggregate and for each subgroup of students,~~ 33305
~~as defined by section 3317.40 of the Revised Code, that receives~~ 33306
~~services provided for by state or federal funding. The format~~ 33307
~~shall also include information on total revenue and expenditures,~~ 33308
~~as well as per pupil revenue and expenditures.~~ 33309

(3) Each school district board, governing authority, 33310
governing body, or board of trustees, or its respective designee, 33311
shall annually report, to the department of education, all 33312
financial information required by the standards for financial 33313
reporting, as prescribed by division (B)(2) of this section and 33314
adopted by the state board. The department shall post these 33315
reports in a prominent location on its web site and shall notify 33316
each school when reports are made available. 33317

(C) The state board shall administer and supervise the 33318
allocation and distribution of all state and federal funds for 33319
public school education under the provisions of law, and may 33320
prescribe such systems of accounting as are necessary and proper 33321
to this function. It may require county auditors and treasurers, 33322

boards of education, educational service center governing boards, 33323
treasurers of such boards, teachers, and other school officers and 33324
employees, or other public officers or employees, to file with it 33325
such reports as it may prescribe relating to such funds, or to the 33326
management and condition of such funds. 33327

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 33328
XLVII, and LI of the Revised Code a reference is made to standards 33329
prescribed under this section or division (D) of this section, 33330
that reference shall be construed to refer to the standards 33331
prescribed under division (D)(2) of this section, unless the 33332
context specifically indicates a different meaning or intent. 33333

(2) The state board shall formulate and prescribe minimum 33334
standards to be applied to all elementary and secondary schools in 33335
this state for the purpose of ~~requiring~~ providing children access 33336
to a general education of high quality. Such standards shall 33337
provide ~~adequately~~ for: the licensing of teachers, administrators, 33338
and other professional personnel ~~and their assignment according to~~ 33339
~~training and qualifications; efficient and effective instructional~~ 33340
~~materials and equipment, including library facilities;~~ the proper 33341
organization, ~~administration, and supervision~~ of each school, 33342
including regulations for preparing all necessary records and 33343
reports ~~and the preparation of a statement of policies and~~ 33344
~~objectives for each school;~~ the provision of safe buildings, 33345
grounds, health and sanitary facilities and services; admission of 33346
pupils, and such requirements for their promotion from grade to 33347
grade as will assure that they are capable and prepared for the 33348
level of study to which they are certified; requirements for 33349
graduation; and such other factors as the board finds necessary. 33350

The state board shall base any standards governing the 33351
promotion of students or requirements for graduation on the 33352
ability of students, at any grade level, to earn credits or 33353
advance upon demonstration of mastery of knowledge and skills 33354

through competency-based learning models. Credits of grade level 33355
advancement shall not require a minimum number of days or hours in 33356
a classroom. 33357

The state board shall base any standards governing the 33358
assignment of staff on ensuring each school has a sufficient 33359
number of teachers to ensure a student has an appropriate level of 33360
interaction to meet each student's personal learning goals. 33361

In the formulation and administration of such standards for 33362
nonpublic schools the board shall also consider the particular 33363
needs, methods and objectives of those schools, provided they do 33364
not conflict with the provision of a general education of a high 33365
quality and provided that regular procedures shall be followed for 33366
promotion from grade to grade of pupils who have met the 33367
educational requirements prescribed. 33368

~~In the formulation and administration of such standards as~~ 33369
~~they relate to instructional materials and equipment in public~~ 33370
~~schools, including library materials, the board shall require that~~ 33371
~~the material and equipment be aligned with and promote skills~~ 33372
~~expected under the statewide academic standards adopted under~~ 33373
~~section 3301.079 of the Revised Code.~~ 33374

(3) In addition to the minimum standards required by division 33375
(D)(2) of this section, the state board may formulate and 33376
prescribe the following additional minimum operating standards for 33377
school districts: 33378

(a) Standards for the effective and efficient organization, 33379
administration, and supervision of each school district ~~so that it~~ 33380
~~becomes a thinking and learning organization according to~~ 33381
~~principles of systems design and collaborative professional~~ 33382
~~learning communities research as defined by the superintendent of~~ 33383
~~public instruction, including a focus on the personalized and~~ 33384
~~individualized needs of each student; a shared responsibility~~ 33385

~~among school boards, administrators, faculty, and staff to develop~~ 33386
~~a common vision, mission, and set of guiding principles; a shared~~ 33387
~~responsibility among school boards, administrators, faculty, and~~ 33388
~~staff to engage in a process of collective inquiry, action~~ 33389
~~orientation, and experimentation to ensure the academic success of~~ 33390
~~all students; commitment to teaching and learning strategies that~~ 33391
~~utilize technological tools and emphasize inter-disciplinary,~~ 33392
~~real-world, project-based, and technology-oriented learning~~ 33393
~~experiences to meet the individual needs of every student; with a~~ 33394
commitment to high expectations for every student and commitment 33395
to closing the achievement gap so that all students achieve core 33396
knowledge and skills in accordance with the statewide academic 33397
standards adopted under section 3301.079 of the Revised Code; 33398
~~commitment to the use of assessments to diagnose the needs of each~~ 33399
~~student; effective connections and relationships with families and~~ 33400
~~others that support student success; and commitment to the use of~~ 33401
~~positive behavior intervention supports throughout a district to~~ 33402
~~ensure a safe and secure learning environment for all students;~~ 33403

(b) Standards for the establishment of business advisory 33404
councils under section 3313.82 of the Revised Code; 33405

(c) Standards for school district buildings that may require+ 33406

~~(i) The the effective and efficient organization,~~ 33407
administration, and supervision of each school district building 33408
~~so that it becomes a thinking and learning organization according~~ 33409
~~to principles of systems design and collaborative professional~~ 33410
~~learning communities research as defined by the state~~ 33411
~~superintendent, including a focus on the personalized and~~ 33412
~~individualized needs of each student; a shared responsibility~~ 33413
~~among building administrators, faculty, and staff to develop a~~ 33414
~~common vision, mission, and set of guiding principles; a shared~~ 33415
~~responsibility among building administrators, faculty, and staff~~ 33416
~~to engage in a process of collective inquiry, action orientation,~~ 33417

~~and experimentation to ensure the academic success of all 33418~~
~~students; commitment to job embedded professional development and 33419~~
~~professional mentoring and coaching; established periods of time 33420~~
~~for teachers to pursue planning time for the development of lesson 33421~~
~~plans, professional development, and shared learning; commitment 33422~~
~~to effective management strategies that allow administrators 33423~~
~~reasonable access to classrooms for observation and professional 33424~~
~~development experiences; commitment to teaching and learning 33425~~
~~strategies that utilize technological tools and emphasize 33426~~
~~inter-disciplinary, real-world, project-based, and 33427~~
~~technology-oriented learning experiences to meet the individual 33428~~
~~needs of every student; with a commitment to high expectations for 33429~~
~~every student and commitment to closing the achievement gap so 33430~~
~~that all students achieve core knowledge and skills in accordance 33431~~
~~with the statewide academic standards adopted under section 33432~~
~~3301.079 of the Revised Code; commitment to the use of assessments 33433~~
~~to diagnose the needs of each student; effective connections and 33434~~
~~relationships with families and others that support student 33435~~
~~success; commitment to the use of positive behavior intervention 33436~~
~~supports throughout the building to ensure a safe and secure 33437~~
~~learning environment for all students; 33438~~

~~(ii) A school building leadership team to coordinate positive 33439~~
~~behavior intervention supports, learning environments, thinking 33440~~
~~and learning systems, collaborative planning, planning time, 33441~~
~~student academic interventions, student extended learning 33442~~
~~opportunities, and other activities identified by the team and 33443~~
~~approved by the district board of education. The team shall 33444~~
~~include the building principal, representatives from each 33445~~
~~collective bargaining unit, a classroom teacher, parents, business 33446~~
~~representatives, and others that support student success. 33447~~

~~(E) The state board may require as part of the health 33448~~
~~curriculum information developed under section 2108.34 of the 33449~~

Revised Code promoting the donation of anatomical gifts pursuant 33450
to Chapter 2108. of the Revised Code and may provide the 33451
information to high schools, educational service centers, and 33452
joint vocational school district boards of education; 33453

(F) The state board shall prepare and submit annually to the 33454
governor and the general assembly a report on the status, needs, 33455
and major problems of the public schools of the state, with 33456
recommendations for necessary legislative action and a ten-year 33457
projection of the state's public and nonpublic school enrollment, 33458
by year and by grade level. 33459

(G) The state board shall prepare and submit to the director 33460
of budget and management the biennial budgetary requests of the 33461
state board of education, for its agencies and for the public 33462
schools of the state. 33463

(H) The state board shall cooperate with federal, state, and 33464
local agencies concerned with the health and welfare of children 33465
and youth of the state. 33466

(I) The state board shall require such reports from school 33467
districts and educational service centers, school officers, and 33468
employees as are necessary and desirable. The superintendents and 33469
treasurers of school districts and educational service centers 33470
shall certify as to the accuracy of all reports required by law or 33471
state board or state department of education rules to be submitted 33472
by the district or educational service center and which contain 33473
information necessary for calculation of state funding. Any 33474
superintendent who knowingly falsifies such report shall be 33475
subject to license revocation pursuant to section 3319.31 of the 33476
Revised Code. 33477

(J) In accordance with Chapter 119. of the Revised Code, the 33478
state board shall adopt procedures, standards, and guidelines for 33479
the education of children with disabilities pursuant to Chapter 33480

3323. of the Revised Code, including procedures, standards, and 33481
guidelines governing programs and services operated by county 33482
boards of developmental disabilities pursuant to section 3323.09 33483
of the Revised Code. 33484

(K) For the purpose of encouraging the development of special 33485
programs of education for academically gifted children, the state 33486
board shall employ competent persons to analyze and publish data, 33487
promote research, advise and counsel with boards of education, and 33488
encourage the training of teachers in the special instruction of 33489
gifted children. The board may provide financial assistance out of 33490
any funds appropriated for this purpose to boards of education and 33491
educational service center governing boards for developing and 33492
conducting programs of education for academically gifted children. 33493

(L) The state board shall require that all public schools 33494
emphasize and encourage, within existing units of study, the 33495
teaching of energy and resource conservation as recommended to 33496
each district board of education by leading business persons 33497
involved in energy production and conservation, beginning in the 33498
primary grades. 33499

(M) The state board shall formulate and prescribe ~~minimum~~ 33500
~~standards requiring the use of phonics as a technique in~~ for the 33501
teaching of reading in grades kindergarten through three. In 33502
addition, the state board shall provide in-service training 33503
programs for teachers on the ~~use of phonics as a technique in the~~ 33504
teaching of reading in grades kindergarten through three. 33505

(N) The state board may adopt rules necessary for carrying 33506
out any function imposed on it by law, and may provide rules as 33507
are necessary for its government and the government of its 33508
employees, and may delegate to the superintendent of public 33509
instruction the management and administration of any function 33510
imposed on it by law. It may provide for the appointment of board 33511
members to serve on temporary committees established by the board 33512

for such purposes as are necessary. Permanent or standing 33513
committees shall not be created. 33514

(O) Upon application from the board of education of a school 33515
district, the superintendent of public instruction may issue a 33516
waiver exempting the district from compliance with the standards 33517
adopted under divisions (B)(2) and (D) of this section, as they 33518
relate to the operation of a school operated by the district. The 33519
state board shall adopt standards for the approval or disapproval 33520
of waivers under this division. The state superintendent shall 33521
consider every application for a waiver, and shall determine 33522
whether to grant or deny a waiver in accordance with the state 33523
board's standards. For each waiver granted, the state 33524
superintendent shall specify the period of time during which the 33525
waiver is in effect, which shall not exceed five years. A district 33526
board may apply to renew a waiver. 33527

Sec. 3301.0714. (A) The state board of education shall adopt 33528
rules for a statewide education management information system. The 33529
rules shall require the state board to establish guidelines for 33530
the establishment and maintenance of the system in accordance with 33531
this section and the rules adopted under this section. The 33532
guidelines shall include: 33533

(1) Standards identifying and defining the types of data in 33534
the system in accordance with divisions (B) and (C) of this 33535
section; 33536

(2) Procedures for annually collecting and reporting the data 33537
to the state board in accordance with division (D) of this 33538
section; 33539

(3) Procedures for annually compiling the data in accordance 33540
with division (G) of this section; 33541

(4) Procedures for annually reporting the data to the public 33542

in accordance with division (H) of this section. 33543

(B) The guidelines adopted under this section shall require 33544
the data maintained in the education management information system 33545
to include at least the following: 33546

(1) Student participation and performance data, for each 33547
grade in each school district as a whole and for each grade in 33548
each school building in each school district, that includes: 33549

(a) The numbers of students receiving each category of 33550
instructional service offered by the school district, such as 33551
regular education instruction, vocational education instruction, 33552
specialized instruction programs or enrichment instruction that is 33553
part of the educational curriculum, instruction for gifted 33554
students, instruction for students with disabilities, and remedial 33555
instruction. The guidelines shall require instructional services 33556
under this division to be divided into discrete categories if an 33557
instructional service is limited to a specific subject, a specific 33558
type of student, or both, such as regular instructional services 33559
in mathematics, remedial reading instructional services, 33560
instructional services specifically for students gifted in 33561
mathematics or some other subject area, or instructional services 33562
for students with a specific type of disability. The categories of 33563
instructional services required by the guidelines under this 33564
division shall be the same as the categories of instructional 33565
services used in determining cost units pursuant to division 33566
(C)(3) of this section. 33567

(b) The numbers of students receiving support or 33568
extracurricular services for each of the support services or 33569
extracurricular programs offered by the school district, such as 33570
counseling services, health services, and extracurricular sports 33571
and fine arts programs. The categories of services required by the 33572
guidelines under this division shall be the same as the categories 33573
of services used in determining cost units pursuant to division 33574

(C)(4)(a) of this section.	33575
(c) Average student grades in each subject in grades nine through twelve;	33576 33577
(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	33578 33579
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	33580 33581 33582
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	33583 33584 33585
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	33586 33587 33588 33589
(h) Expulsion rates;	33590
(i) Suspension rates;	33591
(j) Dropout rates;	33592
(k) Rates of retention in grade;	33593
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	33594 33595 33596
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	33597 33598 33599 33600 33601
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	33602 33603

Revised Code to permit a comparison of the academic readiness of 33604
kindergarten students. However, no district shall be required to 33605
report to the department the results of any diagnostic assessment 33606
administered to a kindergarten student if the parent of that 33607
student requests the district not to report those results. 33608

(2) Personnel and classroom enrollment data for each school 33609
district, including: 33610

(a) The total numbers of licensed employees and nonlicensed 33611
employees and the numbers of full-time equivalent licensed 33612
employees and nonlicensed employees providing each category of 33613
instructional service, instructional support service, and 33614
administrative support service used pursuant to division (C)(3) of 33615
this section. The guidelines adopted under this section shall 33616
require these categories of data to be maintained for the school 33617
district as a whole and, wherever applicable, for each grade in 33618
the school district as a whole, for each school building as a 33619
whole, and for each grade in each school building. 33620

(b) The total number of employees and the number of full-time 33621
equivalent employees providing each category of service used 33622
pursuant to divisions (C)(4)(a) and (b) of this section, and the 33623
total numbers of licensed employees and nonlicensed employees and 33624
the numbers of full-time equivalent licensed employees and 33625
nonlicensed employees providing each category used pursuant to 33626
division (C)(4)(c) of this section. The guidelines adopted under 33627
this section shall require these categories of data to be 33628
maintained for the school district as a whole and, wherever 33629
applicable, for each grade in the school district as a whole, for 33630
each school building as a whole, and for each grade in each school 33631
building. 33632

(c) The total number of regular classroom teachers teaching 33633
classes of regular education and the average number of pupils 33634
enrolled in each such class, in each of grades kindergarten 33635

through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. 33667
The guidelines shall require the cost units under this division 33668
(C)(1) to be designed so that each of them may be compiled and 33669
reported in terms of average expenditure per pupil in formula ADM 33670
in the school district, as determined pursuant to section 3317.03 33671
of the Revised Code. 33672

(2) Administrative costs for each school building in the 33673
school district. The guidelines shall require the cost units under 33674
this division (C)(2) to be designed so that each of them may be 33675
compiled and reported in terms of average expenditure per 33676
full-time equivalent pupil receiving instructional or support 33677
services in each building. 33678

(3) Instructional services costs for each category of 33679
instructional service provided directly to students and required 33680
by guidelines adopted pursuant to division (B)(1)(a) of this 33681
section. The guidelines shall require the cost units under 33682
division (C)(3) of this section to be designed so that each of 33683
them may be compiled and reported in terms of average expenditure 33684
per pupil receiving the service in the school district as a whole 33685
and average expenditure per pupil receiving the service in each 33686
building in the school district and in terms of a total cost for 33687
each category of service and, as a breakdown of the total cost, a 33688
cost for each of the following components: 33689

(a) The cost of each instructional services category required 33690
by guidelines adopted under division (B)(1)(a) of this section 33691
that is provided directly to students by a classroom teacher; 33692

(b) The cost of the instructional support services, such as 33693
services provided by a speech-language pathologist, classroom 33694
aide, multimedia aide, or librarian, provided directly to students 33695
in conjunction with each instructional services category; 33696

(c) The cost of the administrative support services related 33697

to each instructional services category, such as the cost of 33698
personnel that develop the curriculum for the instructional 33699
services category and the cost of personnel supervising or 33700
coordinating the delivery of the instructional services category. 33701

(4) Support or extracurricular services costs for each 33702
category of service directly provided to students and required by 33703
guidelines adopted pursuant to division (B)(1)(b) of this section. 33704
The guidelines shall require the cost units under division (C)(4) 33705
of this section to be designed so that each of them may be 33706
compiled and reported in terms of average expenditure per pupil 33707
receiving the service in the school district as a whole and 33708
average expenditure per pupil receiving the service in each 33709
building in the school district and in terms of a total cost for 33710
each category of service and, as a breakdown of the total cost, a 33711
cost for each of the following components: 33712

(a) The cost of each support or extracurricular services 33713
category required by guidelines adopted under division (B)(1)(b) 33714
of this section that is provided directly to students by a 33715
licensed employee, such as services provided by a guidance 33716
counselor or any services provided by a licensed employee under a 33717
supplemental contract; 33718

(b) The cost of each such services category provided directly 33719
to students by a nonlicensed employee, such as janitorial 33720
services, cafeteria services, or services of a sports trainer; 33721

(c) The cost of the administrative services related to each 33722
services category in division (C)(4)(a) or (b) of this section, 33723
such as the cost of any licensed or nonlicensed employees that 33724
develop, supervise, coordinate, or otherwise are involved in 33725
administering or aiding the delivery of each services category. 33726

(D)(1) The guidelines adopted under this section shall 33727
require school districts to collect information about individual 33728

students, staff members, or both in connection with any data 33729
required by division (B) or (C) of this section or other reporting 33730
requirements established in the Revised Code. The guidelines may 33731
also require school districts to report information about 33732
individual staff members in connection with any data required by 33733
division (B) or (C) of this section or other reporting 33734
requirements established in the Revised Code. The guidelines shall 33735
not authorize school districts to request social security numbers 33736
of individual students. The guidelines shall prohibit the 33737
reporting under this section of a student's name, address, and 33738
social security number to the state board of education or the 33739
department of education. The guidelines shall also prohibit the 33740
reporting under this section of any personally identifiable 33741
information about any student, except for the purpose of assigning 33742
the data verification code required by division (D)(2) of this 33743
section, to any other person unless such person is employed by the 33744
school district or the information technology center operated 33745
under section 3301.075 of the Revised Code and is authorized by 33746
the district or technology center to have access to such 33747
information or is employed by an entity with which the department 33748
contracts for the scoring or the development of state assessments. 33749
The guidelines may require school districts to provide the social 33750
security numbers of individual staff members and the county of 33751
residence for a student. Nothing in this section prohibits the 33752
state board of education or department of education from providing 33753
a student's county of residence to the department of taxation to 33754
facilitate the distribution of tax revenue. 33755

(2)(a) The guidelines shall provide for each school district 33756
or community school to assign a data verification code that is 33757
unique on a statewide basis over time to each student whose 33758
initial Ohio enrollment is in that district or school and to 33759
report all required individual student data for that student 33760
utilizing such code. The guidelines shall also provide for 33761

assigning data verification codes to all students enrolled in 33762
districts or community schools on the effective date of the 33763
guidelines established under this section. The assignment of data 33764
verification codes for other entities, as described in division 33765
(D)(2)(c) of this section, the use of those codes, and the 33766
reporting and use of associated individual student data shall be 33767
coordinated by the department in accordance with state and federal 33768
law. 33769

School districts shall report individual student data to the 33770
department through the information technology centers utilizing 33771
the code. The entities described in division (D)(2)(c) of this 33772
section shall report individual student data to the department in 33773
the manner prescribed by the department. 33774

Except as provided in sections 3301.941, 3310.11, 3310.42, 33775
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 33776
shall the state board or the department have access to information 33777
that would enable any data verification code to be matched to 33778
personally identifiable student data. 33779

(b) Each school district and community school shall ensure 33780
that the data verification code is included in the student's 33781
records reported to any subsequent school district, community 33782
school, or state institution of higher education, as defined in 33783
section 3345.011 of the Revised Code, in which the student 33784
enrolls. Any such subsequent district or school shall utilize the 33785
same identifier in its reporting of data under this section. 33786

(c) The director of any state agency that administers a 33787
publicly funded program providing services to children who are 33788
younger than compulsory school age, as defined in section 3321.01 33789
of the Revised Code, including the directors of health, job and 33790
family services, ~~mental health~~ mental health and addiction 33791
services, and developmental disabilities, shall request and 33792
receive, pursuant to sections 3301.0723 and 3701.62 of the Revised 33793

Code, a data verification code for a child who is receiving those 33794
services. 33795

(E) The guidelines adopted under this section may require 33796
school districts to collect and report data, information, or 33797
reports other than that described in divisions (A), (B), and (C) 33798
of this section for the purpose of complying with other reporting 33799
requirements established in the Revised Code. The other data, 33800
information, or reports may be maintained in the education 33801
management information system but are not required to be compiled 33802
as part of the profile formats required under division (G) of this 33803
section or the annual statewide report required under division (H) 33804
of this section. 33805

(F) Beginning with the school year that begins July 1, 1991, 33806
the board of education of each school district shall annually 33807
collect and report to the state board, in accordance with the 33808
guidelines established by the board, the data required pursuant to 33809
this section. A school district may collect and report these data 33810
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 33811

(G) The state board shall, in accordance with the procedures 33812
it adopts, annually compile the data reported by each school 33813
district pursuant to division (D) of this section. The state board 33814
shall design formats for profiling each school district as a whole 33815
and each school building within each district and shall compile 33816
the data in accordance with these formats. These profile formats 33817
shall: 33818

(1) Include all of the data gathered under this section in a 33819
manner that facilitates comparison among school districts and 33820
among school buildings within each school district; 33821

(2) Present the data on academic achievement levels as 33822
assessed by the testing of student achievement maintained pursuant 33823
to division (B)(1)(d) of this section. 33824

(H)(1) The state board shall, in accordance with the 33825
procedures it adopts, annually prepare a statewide report for all 33826
school districts and the general public that includes the profile 33827
of each of the school districts developed pursuant to division (G) 33828
of this section. Copies of the report shall be sent to each school 33829
district. 33830

(2) The state board shall, in accordance with the procedures 33831
it adopts, annually prepare an individual report for each school 33832
district and the general public that includes the profiles of each 33833
of the school buildings in that school district developed pursuant 33834
to division (G) of this section. Copies of the report shall be 33835
sent to the superintendent of the district and to each member of 33836
the district board of education. 33837

(3) Copies of the reports received from the state board under 33838
divisions (H)(1) and (2) of this section shall be made available 33839
to the general public at each school district's offices. Each 33840
district board of education shall make copies of each report 33841
available to any person upon request and payment of a reasonable 33842
fee for the cost of reproducing the report. The board shall 33843
annually publish in a newspaper of general circulation in the 33844
school district, at least twice during the two weeks prior to the 33845
week in which the reports will first be available, a notice 33846
containing the address where the reports are available and the 33847
date on which the reports will be available. 33848

(I) Any data that is collected or maintained pursuant to this 33849
section and that identifies an individual pupil is not a public 33850
record for the purposes of section 149.43 of the Revised Code. 33851

(J) As used in this section: 33852

(1) "School district" means any city, local, exempted 33853
village, or joint vocational school district and, in accordance 33854
with section 3314.17 of the Revised Code, any community school. As 33855

used in division (L) of this section, "school district" also 33856
includes any educational service center or other educational 33857
entity required to submit data using the system established under 33858
this section. 33859

(2) "Cost" means any expenditure for operating expenses made 33860
by a school district excluding any expenditures for debt 33861
retirement except for payments made to any commercial lending 33862
institution for any loan approved pursuant to section 3313.483 of 33863
the Revised Code. 33864

(K) Any person who removes data from the information system 33865
established under this section for the purpose of releasing it to 33866
any person not entitled under law to have access to such 33867
information is subject to section 2913.42 of the Revised Code 33868
prohibiting tampering with data. 33869

(L)(1) In accordance with division (L)(2) of this section and 33870
the rules adopted under division (L)(10) of this section, the 33871
department of education may sanction any school district that 33872
reports incomplete or inaccurate data, reports data that does not 33873
conform to data requirements and descriptions published by the 33874
department, fails to report data in a timely manner, or otherwise 33875
does not make a good faith effort to report data as required by 33876
this section. 33877

(2) If the department decides to sanction a school district 33878
under this division, the department shall take the following 33879
sequential actions: 33880

(a) Notify the district in writing that the department has 33881
determined that data has not been reported as required under this 33882
section and require the district to review its data submission and 33883
submit corrected data by a deadline established by the department. 33884
The department also may require the district to develop a 33885
corrective action plan, which shall include provisions for the 33886

district to provide mandatory staff training on data reporting 33887
procedures. 33888

(b) Withhold up to ten per cent of the total amount of state 33889
funds due to the district for the current fiscal year and, if not 33890
previously required under division (L)(2)(a) of this section, 33891
require the district to develop a corrective action plan in 33892
accordance with that division; 33893

(c) Withhold an additional amount of up to twenty per cent of 33894
the total amount of state funds due to the district for the 33895
current fiscal year; 33896

(d) Direct department staff or an outside entity to 33897
investigate the district's data reporting practices and make 33898
recommendations for subsequent actions. The recommendations may 33899
include one or more of the following actions: 33900

(i) Arrange for an audit of the district's data reporting 33901
practices by department staff or an outside entity; 33902

(ii) Conduct a site visit and evaluation of the district; 33903

(iii) Withhold an additional amount of up to thirty per cent 33904
of the total amount of state funds due to the district for the 33905
current fiscal year; 33906

(iv) Continue monitoring the district's data reporting; 33907

(v) Assign department staff to supervise the district's data 33908
management system; 33909

(vi) Conduct an investigation to determine whether to suspend 33910
or revoke the license of any district employee in accordance with 33911
division (N) of this section; 33912

(vii) If the district is issued a report card under section 33913
3302.03 of the Revised Code, indicate on the report card that the 33914
district has been sanctioned for failing to report data as 33915
required by this section; 33916

(viii) If the district is issued a report card under section 33917
3302.03 of the Revised Code and incomplete or inaccurate data 33918
submitted by the district likely caused the district to receive a 33919
higher performance rating than it deserved under that section, 33920
issue a revised report card for the district; 33921

(ix) Any other action designed to correct the district's data 33922
reporting problems. 33923

(3) Any time the department takes an action against a school 33924
district under division (L)(2) of this section, the department 33925
shall make a report of the circumstances that prompted the action. 33926
The department shall send a copy of the report to the district 33927
superintendent or chief administrator and maintain a copy of the 33928
report in its files. 33929

(4) If any action taken under division (L)(2) of this section 33930
resolves a school district's data reporting problems to the 33931
department's satisfaction, the department shall not take any 33932
further actions described by that division. If the department 33933
withheld funds from the district under that division, the 33934
department may release those funds to the district, except that if 33935
the department withheld funding under division (L)(2)(c) of this 33936
section, the department shall not release the funds withheld under 33937
division (L)(2)(b) of this section and, if the department withheld 33938
funding under division (L)(2)(d) of this section, the department 33939
shall not release the funds withheld under division (L)(2)(b) or 33940
(c) of this section. 33941

(5) Notwithstanding anything in this section to the contrary, 33942
the department may use its own staff or an outside entity to 33943
conduct an audit of a school district's data reporting practices 33944
any time the department has reason to believe the district has not 33945
made a good faith effort to report data as required by this 33946
section. If any audit conducted by an outside entity under 33947
division (L)(2)(d)(i) or (5) of this section confirms that a 33948

district has not made a good faith effort to report data as 33949
required by this section, the district shall reimburse the 33950
department for the full cost of the audit. The department may 33951
withhold state funds due to the district for this purpose. 33952

(6) Prior to issuing a revised report card for a school 33953
district under division (L)(2)(d)(viii) of this section, the 33954
department may hold a hearing to provide the district with an 33955
opportunity to demonstrate that it made a good faith effort to 33956
report data as required by this section. The hearing shall be 33957
conducted by a referee appointed by the department. Based on the 33958
information provided in the hearing, the referee shall recommend 33959
whether the department should issue a revised report card for the 33960
district. If the referee affirms the department's contention that 33961
the district did not make a good faith effort to report data as 33962
required by this section, the district shall bear the full cost of 33963
conducting the hearing and of issuing any revised report card. 33964

(7) If the department determines that any inaccurate data 33965
reported under this section caused a school district to receive 33966
excess state funds in any fiscal year, the district shall 33967
reimburse the department an amount equal to the excess funds, in 33968
accordance with a payment schedule determined by the department. 33969
The department may withhold state funds due to the district for 33970
this purpose. 33971

(8) Any school district that has funds withheld under 33972
division (L)(2) of this section may appeal the withholding in 33973
accordance with Chapter 119. of the Revised Code. 33974

(9) In all cases of a disagreement between the department and 33975
a school district regarding the appropriateness of an action taken 33976
under division (L)(2) of this section, the burden of proof shall 33977
be on the district to demonstrate that it made a good faith effort 33978
to report data as required by this section. 33979

(10) The state board of education shall adopt rules under 33980
Chapter 119. of the Revised Code to implement division (L) of this 33981
section. 33982

(M) No information technology center or school district shall 33983
acquire, change, or update its student administration software 33984
package to manage and report data required to be reported to the 33985
department unless it converts to a student software package that 33986
is certified by the department. 33987

(N) The state board of education, in accordance with sections 33988
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 33989
license as defined under division (A) of section 3319.31 of the 33990
Revised Code that has been issued to any school district employee 33991
found to have willfully reported erroneous, inaccurate, or 33992
incomplete data to the education management information system. 33993

(O) No person shall release or maintain any information about 33994
any student in violation of this section. Whoever violates this 33995
division is guilty of a misdemeanor of the fourth degree. 33996

(P) The department shall disaggregate the data collected 33997
under division (B)(1)(n) of this section according to the race and 33998
socioeconomic status of the students assessed. No data collected 33999
under that division shall be included on the report cards required 34000
by section 3302.03 of the Revised Code. 34001

(Q) If the department cannot compile any of the information 34002
required by division (H) of section 3302.03 of the Revised Code 34003
based upon the data collected under this section, the department 34004
shall develop a plan and a reasonable timeline for the collection 34005
of any data necessary to comply with that division. 34006

Sec. 3301.0715. (A) Except as otherwise required under 34007
division (B)(1) of section 3313.608 of the Revised Code, the board 34008
of education of each city, local, and exempted village school 34009

district shall administer each applicable diagnostic assessment 34010
developed and provided to the district in accordance with section 34011
3301.079 of the Revised Code to the following: 34012

(1) Each student enrolled in a building that has failed to 34013
make adequate yearly progress for two or more consecutive school 34014
years; 34015

(2) Any student who transfers into the district or to a 34016
different school within the district if each applicable diagnostic 34017
assessment was not administered by the district or school the 34018
student previously attended in the current school year, within 34019
thirty days after the date of transfer. If the district or school 34020
into which the student transfers cannot determine whether the 34021
student has taken any applicable diagnostic assessment in the 34022
current school year, the district or school may administer the 34023
diagnostic assessment to the student. 34024

(3) ~~Each~~ (a) Prior to July 1, 2014, each kindergarten 34025
student, not earlier than four weeks prior to the first day of 34026
school and not later than the first day of October. ~~For~~ 34027

(b) Beginning July 1, 2014, each kindergarten student, not 34028
earlier than the first day of the school year and not later than 34029
the first day of November, except that the language and reading 34030
skills portion of the assessment shall be administered by the 34031
thirtieth day of September to fulfill the requirements of division 34032
(B) of section 3313.608 of the Revised Code. 34033

For the purpose of division (A)(3) of this section, the 34034
district shall administer the kindergarten readiness assessment 34035
provided by the department of education. In no case shall the 34036
results of the readiness assessment be used to prohibit a student 34037
from enrolling in kindergarten. 34038

(4) Each student enrolled in first or second grade. 34039

(B) Each district board shall administer each diagnostic 34040
assessment as the board deems appropriate, provided the 34041
administration complies with section 3313.608 of the Revised Code. 34042
However, the board shall administer any diagnostic assessment at 34043
least once annually to all students in the appropriate grade 34044
level. A district board may administer any diagnostic assessment 34045
in the fall and spring of a school year to measure the amount of 34046
academic growth attributable to the instruction received by 34047
students during that school year. 34048

(C) Each district board shall utilize and score any 34049
diagnostic assessment administered under division (A) of this 34050
section in accordance with rules established by the department. 34051
After the administration of any diagnostic assessment, each 34052
district shall provide a student's completed diagnostic 34053
assessment, the results of such assessment, and any other 34054
accompanying documents used during the administration of the 34055
assessment to the parent of that student, and shall include all 34056
such documents and information in any plan developed for the 34057
student under division (C) of section 3313.608 of the Revised 34058
Code. Each district shall submit to the department, in the manner 34059
the department prescribes, the results of the diagnostic 34060
assessments administered under this section, regardless of the 34061
type of assessment used under section 3313.608 of the Revised 34062
Code. The department may issue reports with respect to the data 34063
collected. 34064

(D) Each district board shall provide intervention services 34065
to students whose diagnostic assessments show that they are 34066
failing to make satisfactory progress toward attaining the 34067
academic standards for their grade level. 34068

(E) As used in this section, "adequate yearly progress" has 34069
the same meaning as in section 3302.01 of the Revised Code. 34070

Sec. 3301.0723. (A) The independent contractor engaged by the 34071
department of education to create and maintain for school 34072
districts and community schools the student data verification 34073
codes required by division (D)(2) of section 3301.0714 of the 34074
Revised Code, upon request of the director of any state agency 34075
that administers a publicly funded program providing services to 34076
children who are younger than compulsory school age, as defined in 34077
section 3321.01 of the Revised Code, including the directors of 34078
health, job and family services, ~~mental health~~ mental health and 34079
addiction services, and developmental disabilities, shall assign a 34080
data verification code to a child who is receiving such services 34081
and shall provide that code to the director. The contractor also 34082
shall provide that code to the department of education. 34083

(B) The director of a state agency that receives a child's 34084
data verification code under division (A) of this section shall 34085
use that code to submit information for that child to the 34086
department of education in accordance with section 3301.0714 of 34087
the Revised Code. 34088

(C) A public school that receives from the independent 34089
contractor the data verification code for a child assigned under 34090
division (A) of this section shall not request or assign to that 34091
child another data verification code under division (D)(2) of 34092
section 3301.0714 of the Revised Code. That school and any other 34093
public school in which the child subsequently enrolls shall use 34094
the data verification code assigned under division (A) of this 34095
section to report data relative to that student required under 34096
section 3301.0714 of the Revised Code. 34097

Sec. 3301.15. The state board of education or its authorized 34098
representatives may inspect all institutions under the control of 34099
the department of job and family services, the department of 34100
~~mental health~~ mental health and addiction services, the department 34101

of developmental disabilities, and the department of 34102
rehabilitation and correction which employ teachers, and may make 34103
a report on the teaching, discipline, and school equipment in 34104
these institutions to the director of job and family services, the 34105
director of ~~mental health~~ mental health and addiction services, 34106
the director of developmental disabilities, the director of 34107
rehabilitation and correction, and the governor. 34108

Sec. 3301.41. All employees of the former eTech Ohio 34109
commission who transferred to the department of education upon the 34110
abolishment of the commission as prescribed by section 363.570 of 34111
H.B. of the 130th general assembly and who when employed by 34112
that commission or a predecessor agency were included in a 34113
bargaining unit established under Chapter 4117. of the Revised 34114
Code, shall continue to be included in that bargaining unit, are 34115
public employees as defined in section 4117.01 of the Revised 34116
Code, and may collectively bargain with the state board of 34117
education in accordance with that chapter. Otherwise, any employee 34118
hired by the department after the abolishment of the commission, 34119
either to fill vacancies or to fill new positions related to the 34120
transferred employees' duties, shall be exempt from Chapter 4117. 34121
of the Revised Code and shall not be public employees as defined 34122
in section 4117.01 of the Revised Code. 34123

Sec. 3302.042. (A) This section shall ~~operate as a pilot~~ 34124
~~project that applies~~ apply to any school of a city, exempted 34125
village, or local school district that has been ranked according 34126
to performance index score under section 3302.21 of the Revised 34127
Code in the lowest five per cent of all public school buildings 34128
statewide for three or more consecutive school years ~~and is~~ 34129
~~operated by the Columbus city school district. The pilot project~~ 34130
~~shall commence once the department of education establishes~~ 34131
~~implementation guidelines for the pilot project in consultation~~ 34132

~~with the Columbus city school district.~~ 34133

(B) Except as provided in division (D), (E), or (F) of this 34134
section, if the parents or guardians of at least fifty per cent of 34135
the students enrolled in a school to which this section applies, 34136
or if the parents or guardians of at least fifty per cent of the 34137
total number of students enrolled in that school and the schools 34138
of lower grade levels whose students typically matriculate into 34139
that school, by the thirty-first day of December of any school 34140
year in which the school is subject to this section, sign and file 34141
with the school district treasurer a petition requesting the 34142
district board of education to implement one of the following 34143
reforms in the school, and if the validity and sufficiency of the 34144
petition is certified in accordance with division (C) of this 34145
section, the board shall implement the requested reform in the 34146
next school year: 34147

(1) Reopen the school as a community school under Chapter 34148
3314. of the Revised Code; 34149

(2) Replace at least seventy per cent of the school's 34150
personnel who are related to the school's poor academic 34151
performance or, at the request of the petitioners, retain not more 34152
than thirty per cent of the personnel; 34153

(3) Contract with another school district or a nonprofit or 34154
for-profit entity with a demonstrated record of effectiveness to 34155
operate the school; 34156

(4) Turn operation of the school over to the department; 34157

(5) Any other major restructuring of the school that makes 34158
fundamental reforms in the school's staffing or governance. 34159

(C) Not later than thirty days after receipt of a petition 34160
under division (B) of this section, the district treasurer shall 34161
verify the validity and sufficiency of the signatures on the 34162

petition and certify to the district board whether the petition 34163
contains the necessary number of valid signatures to require the 34164
board to implement the reform requested by the petitioners. If the 34165
treasurer certifies to the district board that the petition does 34166
not contain the necessary number of valid signatures, any person 34167
who signed the petition may file an appeal with the county auditor 34168
within ten days after the certification. Not later than thirty 34169
days after the filing of an appeal, the county auditor shall 34170
conduct an independent verification of the validity and 34171
sufficiency of the signatures on the petition and certify to the 34172
district board whether the petition contains the necessary number 34173
of valid signatures to require the board to implement the 34174
requested reform. If the treasurer or county auditor certifies 34175
that the petition contains the necessary number of valid 34176
signatures, the district board shall notify the superintendent of 34177
public instruction and the state board of education of the 34178
certification. 34179

(D) The district board shall not implement the reform 34180
requested by the petitioners in any of the following 34181
circumstances: 34182

(1) The district board has determined that the request is for 34183
reasons other than improving student academic achievement or 34184
student safety. 34185

(2) The state superintendent has determined that 34186
implementation of the requested reform would not comply with the 34187
model of differentiated accountability described in section 34188
3302.041 of the Revised Code. 34189

(3) The petitioners have requested the district board to 34190
implement the reform described in division (B)(4) of this section 34191
and the department has not agreed to take over the school's 34192
operation. 34193

(4) When all of the following have occurred: 34194

(a) After a public hearing on the matter, the district board 34195
issued a written statement explaining the reasons that it is 34196
unable to implement the requested reform and agreeing to implement 34197
one of the other reforms described in division (B) of this 34198
section. 34199

(b) The district board submitted its written statement to the 34200
state superintendent and the state board along with evidence 34201
showing how the alternative reform the district board has agreed 34202
to implement will enable the school to improve its academic 34203
performance. 34204

(c) Both the state superintendent and the state board have 34205
approved implementation of the alternative reform. 34206

(E) If the provisions of this section conflict in any way 34207
with the requirements of federal law, federal law shall prevail 34208
over the provisions of this section. 34209

(F) If a school is restructured under this section, section 34210
3302.10 or 3302.12 of the Revised Code, or federal law, the school 34211
shall not be required to restructure again under state law for 34212
three consecutive years after the implementation of that prior 34213
restructuring. 34214

(G) Beginning not later than six months after the first 34215
petition under this section has been resolved, the department of 34216
education shall annually evaluate the ~~pilot program~~ provisions of 34217
this section and submit a report to the general assembly under 34218
section 101.68 of the Revised Code. Such reports shall contain its 34219
recommendations to the general assembly with respect to the 34220
continuation of the ~~pilot program, its expansion to other school~~ 34221
~~districts, or the enactment of further legislation establishing~~ 34222
~~the program statewide under permanent law~~ provisions of this 34223
section. 34224

Sec. 3302.22. (A) The governor's effective and efficient 34225
schools recognition program is hereby created. Each year, the 34226
governor shall recognize, in a manner deemed appropriate by the 34227
governor, the top ten per cent of all public schools in this 34228
state, including ~~schools of~~ city, exempted village, and local 34229
school districts, ~~or~~ joint vocational school districts, community 34230
schools established under Chapter 3314. ~~of the Revised Code~~, and 34231
STEM schools established under Chapter 3326. of the Revised Code. 34232

(B) The top ten per cent of schools shall be determined by 34233
the department of education according to standards established by 34234
the department, in consultation with the governor's office of 21st 34235
century education. The standards for recognition for each type of 34236
school may vary depending upon the unique characteristics of that 34237
type of school. The standards shall include, but need not be 34238
limited to, both of the following, provided that sufficient data 34239
is available for each school: 34240

(1) Student performance, as determined by factors ~~including~~ 34241
that may include, but not be limited to, performance indicators 34242
under section 3302.02 of the Revised Code, report cards issued 34243
under section 3302.03 of the Revised Code, performance index score 34244
rankings under section 3302.21 of the Revised Code, and any other 34245
statewide or national assessment or student performance 34246
recognition program the department selects; 34247

(2) Fiscal performance, ~~including~~ which may include 34248
cost-effective measures taken by the school. 34249

(C) If applicable, the standards under divisions (B)(1) and 34250
(2) of this section may be applied at the school building or 34251
district level, depending upon the quality and availability of 34252
data. 34253

Sec. 3302.26. (A) As used in this section: 34254

(1) "Expenditure per equivalent pupils" is the total 34255
operating expenditures of a school district divided by the measure 34256
of equivalent pupils. 34257

(2) "Measure of equivalent pupils" is the total number of 34258
students in a school district adjusted for the relative 34259
differences in costs associated with the unique characteristics 34260
and needs of each category of pupil. 34261

(B) The department of education shall create a performance 34262
management section on the department's public web site. The 34263
performance management section shall include information on 34264
academic and financial performance metrics for each school 34265
district to assist schools and districts in providing an effective 34266
and efficient delivery of educational services. The section shall 34267
include a graph that illustrates the relationship between a 34268
district's academic performance, as measured by the performance 34269
index score, and its expenditure per equivalent pupils as compared 34270
to similar districts. The section shall include statistics of 34271
academic and financial performance measures for each school 34272
district to allow for a comparison and benchmarking between 34273
districts. 34274

(C) The department may contract with an independent 34275
organization to develop and host the performance management 34276
section of its web site. 34277

Sec. 3303.41. There is hereby created the governor's council 34278
on people with disabilities. The council shall consist of 34279
twenty-one members of which the majority shall be people with 34280
disabilities as defined in this section, appointed by the governor 34281
for a term of three years except that for initial appointments, 34282
seven members shall be appointed for a term of one year, seven 34283
members shall be appointed for a term of two years, and seven 34284
members shall be appointed for a term of three years. Members may 34285

succeed themselves not more than one time. The governor shall 34286
annually appoint a ~~chairman~~ chairperson who may succeed himself or 34287
herself not more than one time. Members of the council shall serve 34288
without compensation, but shall be paid the actual and necessary 34289
expenses they incur in the performance of their duties. 34290

The council shall meet at least six times annually at such 34291
times and places as may be designated by the ~~chairman~~ chairperson. 34292

The governor's council on people with disabilities shall be 34293
assigned to the ~~rehabilitation services commission~~ opportunities 34294
for Ohioans with disabilities agency for administrative purposes. 34295
The ~~administrator~~ executive director of the ~~rehabilitation~~ 34296
~~services commission~~ opportunities for Ohioans with disabilities 34297
agency shall assign one professional staff person to the council 34298
to serve as executive secretary and other personnel as determined 34299
advisable. 34300

The council shall have the following powers: 34301

(A) To cooperate with the president's committee on employment 34302
of the handicapped; 34303

(B) To cooperate with all employers both public and private 34304
in locating or developing employment opportunities for people with 34305
disabilities; 34306

(C) To encourage and assist in the creation of committees at 34307
the community level; 34308

(D) To assist local, state, and federal agencies to 34309
coordinate their activities for the purpose of securing maximum 34310
utilization of funds and efforts that benefit people with 34311
disabilities; 34312

(E) To encourage cooperation among public and private 34313
employers, unions, and rehabilitation agencies, bureaus, and 34314
organizations both public and private with a specific goal to 34315

facilitate employment of people with disabilities; 34316

(F) To serve in an advisory capacity to the governor's office 34317
directly and as needed to the general assembly on issues relating 34318
to the needs, problems, and other concerns of people with 34319
disabilities; 34320

(G) To conduct educational programs to acquaint the public 34321
with the abilities and accomplishments of people with 34322
disabilities; 34323

(H) To promote the elimination of architectural barriers to 34324
make buildings used by the public accessible and useable by 34325
persons with physical limitations; 34326

(I) To make such rules as it determines advisable for the 34327
conduct of its own business. 34328

The council shall annually report to the governor on council 34329
activities and on the state of ~~Ohio's~~ the people of this state 34330
with disabilities. This report may include any recommendations 34331
believed necessary or desirable to carry out the purposes of this 34332
section. 34333

As used in this section, "person with a disability" means any 34334
individual who has a disability or condition ~~which~~ that, 34335
regardless of its physical or mental origin, imposes a functional 34336
limitation. ~~It~~ 34337

It shall be lawful for any public employee or officer to 34338
serve as a member of the council. 34339

Sec. 3304.11. As used in sections 3304.11 to 3304.27, 34340
~~inclusive~~, of the Revised Code: 34341

(A) ~~"Handicapped person" or "disabled person"~~ "Person with a 34342
disability" means any person with a physical or mental ~~disability~~ 34343
~~which impairment that~~ is a substantial ~~handicap~~ impediment to 34344
employment ~~and which is of a nature that~~ who can benefit in terms 34345

~~of an employment outcome from the provision of vocational 34346
rehabilitation services may reasonably be expected to render him 34347
fit to engage in a gainful occupation consistent with his 34348
capacities and abilities, and any person with a physical or mental 34349
disability that constitutes a substantial handicap to employment 34350
for whom vocational rehabilitation services are necessary to 34351
determine his rehabilitation potential. 34352~~

(B) "Physical or mental ~~disability~~ impairment" means a 34353
physical or mental condition that materially limits, contributes 34354
to limiting or, if not corrected, will probably result in limiting 34355
a person's activities or functioning. 34356

(C) "Substantial ~~handicap~~ impediment to employment" means a 34357
physical or mental disability that impedes a person's occupational 34358
performance, by preventing ~~his~~ the person's obtaining, retaining, 34359
or preparing for a gainful occupation consistent with ~~his~~ the 34360
person's capacities and abilities. 34361

(D) "Vocational rehabilitation" and "vocational 34362
rehabilitation services" means any activity or service calculated 34363
to enable a ~~handicapped~~ person with a disability or groups of 34364
~~handicapped~~ persons with disabilities to engage in gainful 34365
occupation and includes, but is not limited to, medical and 34366
vocational evaluation, including diagnostic and related services, 34367
vocational counseling, guidance and placement, including follow-up 34368
services, rehabilitation training, including books and other 34369
training materials, physical restoration, recruitment and training 34370
services designed to provide ~~handicapped~~ persons with disabilities 34371
new employment opportunities, maintenance, occupational tools, 34372
equipment, supplies, transportation, services to families of 34373
~~handicapped~~ persons ~~which~~ with disabilities that contribute 34374
substantially to the rehabilitation of these persons, and any 34375
other goods or service necessary to render a ~~handicapped~~ person 34376
with a disability employable. 34377

(E) "Establishment of a rehabilitation facility" means the expansion, remodeling, or alteration of an existing building, ~~which~~ that is necessary to adapt or to increase the effectiveness of that building for rehabilitation facility purposes, the acquisition of equipment for these purposes, and the initial staffing.

(F) "Construction" means the construction of new buildings, acquisition of land or existing buildings and their expansion, remodeling, alteration and renovation, and the initial staffing and equipment of any new, newly acquired, expanded, remodeled, altered, or renovated buildings.

(G) "Physical restoration services" means those services ~~which~~ that are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition ~~which~~ that is stable or slowly progressive.

(H) "Occupational license" means any license, permit, or other written authority required by any governmental unit in order to engage in any occupation or business.

(I) "Maintenance" means money payments to ~~disabled~~ persons with disabilities who need financial assistance for their subsistence during their vocational rehabilitation.

Sec. 3304.12. (A) The governor, with the advice and consent of the senate, shall appoint ~~a rehabilitation services~~ the opportunities for Ohioans with disabilities commission ~~within the opportunities for Ohioans with disabilities~~ agency consisting of seven members, no more than four of whom shall be members of the same political party and who shall include at least three from rehabilitation professions, including at least one member from the field of services to the blind, and at least four ~~handicapped~~ individuals with disabilities, no less than two nor more than three of whom have received vocational rehabilitation services

offered by a state vocational rehabilitation agency or the 34409
veterans' administration. ~~Such handicapped~~ The members with 34410
disabilities shall be representative of several major categories 34411
of ~~handicapped~~ persons with disabilities served by the ~~commission~~ 34412
opportunities for Ohioans with disabilities agency. 34413

(B) ~~Of the members first appointed to the commission, one~~ 34414
~~shall be appointed for a term of seven years, one for a term of~~ 34415
~~six years, one for a term of five years, one for a term of four~~ 34416
~~years, one for a term of three years, one for a term of two years,~~ 34417
~~and one for a term of one year. Thereafter, terms~~ Terms of office 34418
shall be for seven years, commencing on the ninth day of September 34419
and ending on the eighth day of September, with no person eligible 34420
to serve more than two seven-year terms. Each member shall hold 34421
office from the date of ~~his~~ appointment until the end of the term 34422
for which ~~he~~ the member was appointed. Any member appointed to 34423
fill a vacancy occurring prior to the expiration of the term for 34424
which ~~his~~ the member's predecessor was appointed shall hold office 34425
for the remainder of ~~such~~ that term. Any member shall continue in 34426
office subsequent to the expiration date of ~~his~~ the member's term 34427
until ~~his~~ a successor takes office, or until a period of sixty 34428
days has elapsed, whichever occurs first. ~~Members appointed to the~~ 34429
~~commission after September 1, 1977, shall be handicapped~~ 34430
~~individuals representing those who have received vocational~~ 34431
~~rehabilitation services offered by a state vocational~~ 34432
~~rehabilitaion agency or the veterans' administration until the~~ 34433
~~commission membership includes at least four such individuals.~~ 34434
Members who fail to perform their duties or who are guilty of 34435
misconduct may be removed on written charges preferred by the 34436
governor or by a majority of the commission. 34437

(C) Members of the commission shall be reimbursed for travel 34438
and necessary expenses incurred in the conduct of their duties, 34439
and shall receive an amount fixed pursuant to division (J) of 34440

section 124.15 of the Revised Code while actually engaged in 34441
attendance at meetings or in the performance of their duties. 34442

Sec. 3304.13. The ~~rehabilitation services commission~~ 34443
~~opportunities for Ohioans with disabilities commission~~ shall hold 34444
its first meeting at the call of the governor, and at that 34445
meeting, shall elect one of its members as ~~chairman~~ chairperson 34446
and adopt rules governing the time and place of regular meetings, 34447
which shall be held not less than once every four months. Special 34448
meetings shall be held at the call of the ~~chairman~~ chairperson or 34449
any three members of the commission. The ~~chairman~~ chairperson 34450
shall serve for four years, unless removed earlier by a majority 34451
vote of the commission, and shall be ineligible to serve as 34452
~~chairman~~ chairperson during the succeeding four years. Each member 34453
of the commission, before entering upon the duties of office, 34454
shall take and subscribe an oath to uphold the constitution and 34455
laws of the United States and this state and to perform the duties 34456
of office honestly, faithfully, and impartially. Each member shall 34457
give a bond of five thousand dollars, with a sufficient surety 34458
approved by the treasurer of state. After approval, the bond shall 34459
be filed with the secretary of state. If the bond is executed by a 34460
surety company, the premiums on it shall be paid from the funds 34461
appropriated for the expenses of the ~~rehabilitation services~~ 34462
~~commission~~ opportunities for Ohioans with disabilities agency. 34463

Sec. 3304.16 ~~3304.14~~. In ~~carrying out~~ For the purposes of 34464
sections 3304.11 to 3304.27 of the Revised Code, the 34465
~~rehabilitation services commission~~ opportunities for Ohioans with 34466
disabilities commission, to the extent feasible, shall conduct a 34467
review and analysis of the effectiveness of and consumer 34468
satisfaction with all of the following: 34469

(A) ~~Shall develop all necessary rules~~ The functions performed 34470
by the opportunities for Ohioans with disabilities agency; 34471

(B) ~~Shall prepare and submit to the governor annual reports~~ 34472
~~of activities and expenditures and, prior to each first regular~~ 34473
~~session of the general assembly, an estimate of sums required to~~ 34474
~~carry out the commission's responsibilities~~ The vocational 34475
rehabilitation services provided by state agencies and other 34476
public and private entities responsible for providing vocational 34477
rehabilitation services to persons with disabilities under the 34478
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as 34479
amended; 34480

(C) ~~Shall certify any disbursement of funds available to the~~ 34481
~~commission for vocational rehabilitation activities;~~ 34482

(D) ~~Shall serve as the sole state agency designated to~~ 34483
~~administer the plan under the "Rehabilitation Act of 1973," 87~~ 34484
~~Stat. 355, 29 U.S.C. 701, as amended;~~ 34485

(E) ~~Shall take appropriate action to guarantee rights of and~~ 34486
~~services to handicapped persons;~~ 34487

(F) ~~Shall consult with and advise other state agencies to~~ 34488
~~assist them in meeting the needs of handicapped persons more~~ 34489
~~effectively and to achieve maximum coordination among programs for~~ 34490
~~the handicapped;~~ 34491

(G) ~~Shall establish an administrative division of consumer~~ 34492
~~affairs and advocacy within the commission to promote and help~~ 34493
~~guarantee the rights of handicapped persons;~~ 34494

(H) ~~Shall maintain an inventory of state services that are~~ 34495
~~available to handicapped persons;~~ 34496

(I) ~~Shall utilize, support, assist, and cooperate with the~~ 34497
~~governor's committee on employment of the handicapped;~~ 34498

(J) ~~May delegate to any officer or employee of the commission~~ 34499
~~any necessary powers and duties, except that the commission shall~~ 34500
~~delegate to the administrator of the commission, as provided in~~ 34501

~~section 3304.14 of the Revised Code, the power and duty to~~ 34502
~~administer the daily operation and provision of vocational~~ 34503
~~rehabilitation services;~~ 34504

~~(K) May take any other necessary or appropriate action for~~ 34505
~~cooperation with public and private agencies and organizations~~ 34506
~~which may include:~~ 34507

~~(1) Reciprocal agreements with other states to provide for~~ 34508
~~the vocational rehabilitation of individuals within the states~~ 34509
~~concerned;~~ 34510

~~(2) Contracts or other arrangements with public and other~~ 34511
~~nonprofit agencies and organizations for the construction or~~ 34512
~~establishment and operation of vocational rehabilitation programs~~ 34513
~~and facilities;~~ 34514

~~(3) Cooperative arrangements with the federal government for~~ 34515
~~carrying out sections 3304.11 to 3304.27 of the Revised Code, the~~ 34516
~~"Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C.~~ 34517
~~31, as amended, or other federal statutes pertaining to vocational~~ 34518
~~rehabilitation, and to this end, may adopt plans and methods of~~ 34519
~~administration found necessary by the federal government for the~~ 34520
~~efficient operation of any joint arrangements or the efficient~~ 34521
~~application of any federal statutes;~~ 34522

~~(4) Upon the designation of the governor, performing~~ 34523
~~functions and services for the federal government relating to~~ 34524
~~individuals under a physical or mental disability.~~ 34525

~~(L) May take any appropriate action necessary to obtain~~ 34526
~~federal funds in the maximum amount and most advantageous~~ 34527
~~proportion possible;~~ 34528

~~(M) May conduct research and demonstration projects,~~ 34529
~~including inquiries concerning the causes of blindness and its~~ 34530
~~prevention, provide training and instruction, including the~~ 34531
~~establishment and maintenance of research fellowships and~~ 34532

~~traineeships along with all necessary stipends and allowances,~~ 34533
~~disseminate information, and provide technical assistance relating~~ 34534
~~to vocational rehabilitation;~~ 34535

~~(N) May plan, establish, and operate programs, facilities,~~ 34536
~~and services relating to vocational rehabilitation;~~ 34537

~~(O) May accept and hold, invest, reinvest, or otherwise use~~ 34538
~~gifts made for the purpose of furthering vocational~~ 34539
~~rehabilitation;~~ 34540

~~(P) May ameliorate the condition of the aged blind or other~~ 34541
~~severely disabled individuals by establishing a program of home~~ 34542
~~visitation by commission employees for the purpose of instruction;~~ 34543

~~(Q) May establish and manage small business enterprises that~~ 34544
~~are operated by persons with a substantial handicap to employment,~~ 34545
~~including blind persons;~~ 34546

~~(R) May purchase from insurance companies licensed to do~~ 34547
~~business in this state any insurance deemed necessary by the~~ 34548
~~commission for the efficient operation of a suitable vending~~ 34549
~~facility as defined in division (A) of section 3304.28 of the~~ 34550
~~Revised Code;~~ 34551

~~(S) May accept directly from any state agency, and any state~~ 34552
~~agency may transfer directly to the commission, surplus computers~~ 34553
~~and computer equipment to be used for any purposes the commission~~ 34554
~~considers appropriate, notwithstanding sections 125.12 to 125.14~~ 34555
~~of the Revised Code The employment outcomes achieved by eligible~~ 34556
~~individuals receiving services under sections 3304.11 to 3304.27~~ 34557
~~of the Revised Code, including the availability of health and~~ 34558
~~other employment benefits in connection with those employment~~ 34559
~~outcomes.~~ 34560

Sec. 3304.14 3304.15. (A) There is hereby created the 34561
opportunities for Ohioans with disabilities agency. The agency is 34562

the designated state unit authorized under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended, to provide vocational rehabilitation to eligible persons with disabilities.

(B) The governor shall appoint an ~~administrator~~ executive director of the ~~rehabilitation services commission~~ opportunities for Ohioans with disabilities agency to serve at the pleasure of the governor and shall fix the ~~administrator's~~ executive director's compensation. The ~~administrator~~ executive director shall devote the ~~administrator's~~ executive director's entire time to the duties of the ~~administrator's~~ executive director's office, shall hold no other office or position of trust and profit, and shall engage in no other business during the ~~administrator's~~ executive director's term of office. The governor may grant the ~~administrator~~ executive director the authority to appoint, remove, and discipline without regard to sex, race, creed, color, age, or national origin, such other professional, administrative, and clerical staff members as are necessary to carry out the functions and duties of the ~~commission~~ agency.

~~(B)(1)~~ The executive director of the opportunities for Ohioans with disabilities agency is the executive and administrative officer of the agency. Whenever the Revised Code imposes a duty on or requires an action of the agency, the executive director shall perform the duty or action on behalf of the agency. The executive director may establish procedures for all of the following:

- (1) The governance of the agency;
- (2) The conduct of agency employees and officers;
- (3) The performance of agency business;
- (4) The custody, use, and preservation of agency records, papers, books, documents, and property.

(C) The ~~administrator~~ executive director shall have exclusive

authority to administer the daily operation and provision of 34594
vocational rehabilitation services under this chapter. In 34595
exercising that authority, the executive director may do all of 34596
the following: 34597

(1) Adopt rules in accordance with Chapter 119. of the 34598
Revised Code; 34599

(2) Prepare and submit an annual report to the governor; 34600

(3) Certify any disbursement of funds available to the agency 34601
for vocational rehabilitation activities; 34602

(4) Take appropriate action to guarantee rights of services 34603
to people with disabilities; 34604

(5) Consult with and advise other state agencies and 34605
coordinate programs for persons with disabilities; 34606

(6) Comply with the requirements for match as part of budget 34607
submission; 34608

(7) Establish research and demonstration projects; 34609

(8) Accept, hold, invest, reinvest, or otherwise use gifts to 34610
further vocational rehabilitation; 34611

(9) For the purposes of the business enterprise program 34612
administered under sections 3304.28 to 3304.35 of the Revised 34613
Code: 34614

(a) Establish and manage small business entities owned or 34615
operated by visually impaired persons; 34616

(b) Purchase insurance; 34617

(c) Accept computers. 34618

(10) Enter into contracts and other agreements for the 34619
provision of services. 34620

~~(2)-(D)~~ The administrator executive director shall establish a 34621
fee schedule for vocational rehabilitation services in accordance 34622

with 34 C.F.R. 361.50. 34623

Sec. ~~3304.15~~ 3304.16. The ~~rehabilitation services commission~~ 34624
~~executive director of the opportunities for Ohioans with~~ 34625
~~disabilities agency~~ shall establish administrative subdivisions 34626
~~under its control as it determines~~ necessary or appropriate to 34627
carry out ~~its~~ the agency's functions and duties, but there shall 34628
be a bureau of services for the visually impaired and a bureau of 34629
vocational rehabilitation, each of which has as its head a deputy 34630
director appointed by the ~~administrator, subject to commission~~ 34631
~~approval~~ executive director. The ~~commission~~ executive director 34632
shall prescribe the budgets for the government of each division, 34633
and rules for the conduct of its employees, the performance of its 34634
business, and the custody, use, and preservation of the records, 34635
papers, books, documents, and property pertaining thereto. 34636

Sec. 3304.17. The ~~rehabilitation services commission~~ 34637
opportunities for Ohioans with disabilities agency shall provide 34638
vocational rehabilitation services to all eligible ~~handicapped~~ 34639
persons with disabilities, including any ~~handicapped~~ person with a 34640
disability who is eligible under the terms of an agreement or 34641
arrangement with another state or with the federal government. 34642

Sec. 3304.18. The treasurer of state shall be the custodian 34643
of all moneys received from the federal government for vocational 34644
rehabilitation programs and shall disburse the money upon the 34645
certification of the ~~rehabilitation services commission~~ executive 34646
director of the opportunities for Ohioans with disabilities 34647
agency. If federal funds are not available to the state for 34648
vocational rehabilitation purposes, the governor shall include as 34649
part of ~~his~~ the governor's biennial budget request to the general 34650
assembly a request for funds sufficient to support the activities 34651
of the ~~commission~~ agency. 34652

Sec. 3304.181. If the total of all funds available from 34653
nonfederal sources to support the activities of the ~~rehabilitation~~ 34654
~~services-commission~~ opportunities for Ohioans with disabilities 34655
agency does not comply with the expenditure requirements of 34 34656
C.F.R. 361.60 and 361.62 for those activities or would cause the 34657
state to lose an allotment or fail to receive a reallotment under 34658
34 C.F.R. 361.65, the ~~commission~~ agency may solicit additional 34659
funds from, and enter into agreements for the use of those funds 34660
with, private or public entities, including local government 34661
entities of this state. The ~~commission~~ agency may continue to 34662
solicit additional funds and enter into agreements until the total 34663
funding available is sufficient for the ~~commission~~ agency to 34664
receive federal funds at the maximum amount and in the most 34665
advantageous proportion possible. 34666

Any agreement entered into between the ~~commission~~ agency and 34667
a private or public entity to provide funds under this section 34668
shall be in accordance with 34 C.F.R. 361.28 and section 3304.182 34669
of the Revised Code. 34670

Sec. 3304.182. Any agreement between the ~~rehabilitation~~ 34671
~~services-commission~~ opportunities for Ohioans with disabilities 34672
agency and a private or public entity providing funds under 34673
section 3304.181 of the Revised Code may permit the ~~commission~~ 34674
agency to receive a specified percentage of the funds, but the 34675
percentage shall be not more than twenty-five per cent of the 34676
total funds available under the agreement. The ~~commission~~ agency 34677
may terminate an agreement at any time for just cause. It may 34678
terminate an agreement for any other reason by giving at least 34679
thirty days' notice to the public or private entity. 34680

Any services provided under an agreement entered into under 34681
section 3304.181 of the Revised Code shall be provided by a person 34682
or government entity that meets the accreditation standards 34683

established in rules adopted by the ~~commission~~ agency under 34684
section ~~3304.16~~ 3304.15 of the Revised Code. 34685

Sec. 3304.19. The right of a ~~handicapped~~ person with a 34686
disability to living maintenance under sections 3304.11 to 34687
3304.27, ~~inclusive~~, of the Revised Code, is not transferable or 34688
assignable at law or in equity, and none of the money paid or 34689
payable or rights existing under this ~~act~~ chapter are subject to 34690
execution, levy, attachment, garnishment, or other legal process, 34691
or to the operation of any bankruptcy or insolvency law. 34692

Sec. 3304.20. Any person applying for or receiving vocational 34693
rehabilitation services who is dissatisfied with regard to the 34694
furnishing or denial of services, may file a request for an 34695
administrative review and redetermination of that action in 34696
accordance with rules of the ~~rehabilitation services commission~~ 34697
opportunities for Ohioans with disabilities agency. When the 34698
person is dissatisfied with the finding of this administrative 34699
review, ~~he~~ the person is entitled, in accordance with ~~commission~~ 34700
agency rules and in accordance with Chapter 119. of the Revised 34701
Code, to a fair hearing before the ~~administrator~~ executive 34702
director of the ~~rehabilitation services commission~~ agency. 34703

Sec. 3304.21. No person shall, except for the purposes of 34704
sections 3304.11 to 3304.27, ~~inclusive~~, of the Revised Code, and 34705
in accordance with the rules established by the ~~rehabilitation~~ 34706
~~services commission~~ opportunities for Ohioans with disabilities 34707
agency, solicit, disclose, receive, make use of, authorize, 34708
knowingly permit, participate in, or acquiesce in the use of any 34709
list of names or information concerning persons applying for or 34710
receiving any services from the ~~commission~~ agency, which 34711
information is directly or indirectly derived from the records of 34712
the agency or is acquired in the performance of the person's 34713

official duties. 34714

Sec. 3304.22. No officer or employee of the ~~rehabilitation~~ 34715
~~services opportunities for Ohioans with disabilities~~ commission, 34716
~~the opportunities for Ohioans with disabilities agency,~~ or any 34717
person engaged in the administration of a vocational 34718
rehabilitation program sponsored by or affiliated with the state 34719
shall use or permit the use of any vocational rehabilitation 34720
program for the purpose of interfering with an election for any 34721
partisan political purpose; solicit or receive money for a 34722
partisan political purpose; or require any other person to 34723
contribute any service or money for a partisan political purpose. 34724
Whoever violates this section shall be removed from ~~his~~ the 34725
officer's or employee's office or employment. 34726

Sec. 3304.23. (A) There is hereby created in the 34727
~~rehabilitation services commission~~ opportunities for Ohioans with 34728
disabilities agency a brain injury program consisting of a program 34729
director and at least one support staff person. 34730

(B) To the extent that funds are available, the brain injury 34731
program may do the following: 34732

(1) Identify existing services in this state to assist 34733
survivors and families of survivors of brain injury; 34734

(2) Promote the coordination of services for survivors and 34735
families of survivors of brain injury; 34736

(3) Explore options for delivery of services to survivors and 34737
families of survivors of brain injury; 34738

(4) Explore the establishment of a traumatic brain injury 34739
incidence reporting system to collect information on the incidence 34740
and character of traumatic brain injury in this state; 34741

(5) Promote practices that will reduce the incidence of brain 34742

injury; 34743

(6) Develop training programs on dealing with brain injury 34744
and the special needs of survivors of brain injury; 34745

(7) Identify sources of available funds for services for 34746
survivors and families of survivors of brain injury; 34747

(8) Explore options for the delivery of case management 34748
services to residents of this state who are survivors of brain 34749
injury; 34750

(9) Provide assistance to assure that services for survivors 34751
and families of survivors of brain injury are all of the 34752
following: 34753

(a) Designed to enhance the survivor's ability to lead an 34754
independent and productive life; 34755

(b) Available within close proximity of the survivor's home; 34756

(c) Provided in the least restrictive environment; 34757

(d) Appropriate to the unique needs of the survivor. 34758

(C) The staff of the brain injury program shall prepare a 34759
biennial report on the incidence of brain injury in this state 34760
that shall be submitted to the ~~administrator~~ executive director of 34761
the ~~rehabilitation services commission~~ opportunities for Ohioans 34762
with disabilities agency on or before December 15, 1992, and every 34763
two years thereafter. A copy of the report shall be submitted to 34764
the brain injury advisory committee created under section 3304.231 34765
of the Revised Code. 34766

Sec. 3304.231. There is hereby created a brain injury 34767
advisory committee, which shall advise the ~~administrator~~ executive 34768
director of the ~~rehabilitation services commission~~ opportunities 34769
for Ohioans with disabilities agency and the brain injury program 34770
with regard to unmet needs of survivors of brain injury, 34771

development of programs for survivors and their families, 34772
establishment of training programs for health care professionals, 34773
and any other matter within the province of the brain injury 34774
program. The committee shall consist of not fewer than ~~twenty~~ 34775
nineteen and not more than ~~twenty-two~~ twenty-one members as 34776
follows: 34777

(A) Not fewer than ten and not more than twelve members 34778
appointed by the ~~administrator~~ executive director of the 34779
~~rehabilitation services commission opportunities for Ohioans with~~ 34780
disabilities agency, including all of the following: a survivor of 34781
brain injury, a relative of a survivor of brain injury, a licensed 34782
physician recommended by the Ohio chapter of the American college 34783
of emergency physicians, a licensed physician recommended by the 34784
Ohio state medical association, one other health care 34785
professional, a rehabilitation professional, an individual who 34786
represents the brain injury association of Ohio, and not fewer 34787
than three nor more than five individuals who shall represent the 34788
public; 34789

(B) The directors of the departments of health, ~~alcohol and~~ 34790
~~drug addiction services~~ mental health and drug addiction services, 34791
developmental disabilities, ~~mental health, job and family~~ 34792
~~services~~, aging, and public safety; the medicaid director; the 34793
administrator of workers' compensation; the superintendent of 34794
public instruction; and the ~~administrator~~ executive director of 34795
the ~~rehabilitation services commission opportunities for Ohioans~~ 34796
with disabilities agency. Any of the officials specified in this 34797
division may designate an individual to serve in the official's 34798
place as a member of the committee. 34799

Terms of office of the appointed members shall be two years. 34800
Members may be reappointed. Vacancies shall be filled in the 34801
manner provided for original appointments. Any member appointed to 34802
fill a vacancy occurring prior to the expiration date of the term 34803

for which the member's predecessor was appointed shall hold office 34804
as a member for the remainder of that term. 34805

Members of the committee shall serve without compensation, 34806
but shall be reimbursed for actual and necessary expenses incurred 34807
in the performance of their duties. 34808

Sec. 3304.24. The ~~rehabilitation services~~ opportunities for 34809
Ohioans with disabilities commission shall appoint a consumer 34810
advisory committee. ~~The commission may appoint additional advisory~~ 34811
~~committees it finds necessary.~~ 34812

Sec. 3304.25. The members of the ~~bureau~~ consumer advisory 34813
~~committees~~ committee appointed under section 3304.24 of the 34814
Revised Code shall receive no compensation for their services 34815
except their actual and necessary traveling and other expenses 34816
incurred in the performance of their official duties, which shall 34817
first be approved by the ~~administrator~~ executive director of the 34818
~~rehabilitation services commission~~ opportunities for Ohioans with 34819
disabilities agency. 34820

Sec. 3304.27. All vocational rehabilitation services made 34821
available under sections 3304.11 to 3304.27, ~~inclusive,~~ of the 34822
Revised Code, are made available subject to amendment or repeal of 34823
~~those~~ sections 3304.11 to 3304.27, ~~inclusive,~~ of the Revised Code, 34824
and no ~~disabled~~ person with a disability shall have any claim by 34825
reason of ~~his~~ the person's vocational rehabilitation being 34826
affected in any way by such an amendment or repeal. 34827

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the 34828
Revised Code: 34829

(A) "Suitable vending facility" means automatic vending 34830
machines, cafeterias, snack bars, cart service shelters, counters, 34831
and other appropriate auxiliary food service equipment determined 34832

to be necessary by the bureau of services for the visually 34833
impaired for the automatic or manual dispensing of foods, 34834
beverages, and other such commodities for sale by persons, no 34835
fewer than one-half of whom are blind, under the supervision of a 34836
licensed blind vendor or an employee of the ~~commission~~ 34837
opportunities for Ohioans with disabilities agency. 34838

(B) "Blind" means either of the following: 34839

(1) Vision twenty/two hundred or less in the better eye with 34840
proper correction; 34841

(2) Field defect in the better eye with proper correction 34842
~~which that~~ contracts the peripheral field so that the diameter of 34843
the visual field subtends an angle no greater than twenty degrees. 34844

(C) "Governmental property" means any real property, 34845
building, or facility owned, leased, or rented by the state or any 34846
board, commission, department, division, or other unit or agency 34847
thereof, but does not include any institution under the management 34848
of the department of rehabilitation and correction pursuant to 34849
section 5120.05 of the Revised Code, or under the management of 34850
the department of youth services created pursuant to section 34851
5139.01 of the Revised Code. 34852

Sec. 3304.41. The ~~rehabilitation services commission~~ 34853
opportunities for Ohioans with disabilities agency shall establish 34854
and administer a program for the use of funds appropriated for 34855
that purpose to provide personal care assistance to enable 34856
eligible severely physically disabled persons to live 34857
independently or work, shall adopt rules in accordance with 34858
Chapter 119. of the Revised Code as necessary to carry out the 34859
purposes of this section, and shall apply to the controlling board 34860
for the release of the funds. 34861

Sec. 3307.51. (A) The state teachers retirement board shall 34862

have prepared annually by or under the supervision of an actuary 34863
an actuarial valuation of the pension assets, liabilities, and 34864
funding requirements of the STRS defined benefit plan. The actuary 34865
shall complete the valuation in accordance with actuarial 34866
standards of practice promulgated by the actuarial standards board 34867
of the American academy of actuaries and prepare a report of the 34868
valuation. The report shall include all of the following: 34869

(1) A summary of the benefit provisions evaluated; 34870

(2) A summary of the census data and financial information 34871
used in the valuation; 34872

(3) A description of the actuarial assumptions, actuarial 34873
cost method, and asset valuation method used in the valuation, 34874
including a statement of the assumed rate of payroll growth and 34875
assumed rate of growth or decline in the number of members 34876
contributing to the retirement system; 34877

(4) A summary of findings that includes a statement of the 34878
actuarial accrued pension liabilities and unfunded actuarial 34879
accrued pension liabilities; 34880

(5) A schedule showing the effect of any changes in the 34881
benefit provisions, actuarial assumptions, or cost methods since 34882
the last annual actuarial valuation; 34883

(6) A statement of whether contributions to the retirement 34884
system are expected to be sufficient to satisfy the funding 34885
objectives established by the board. 34886

The board shall submit the report to the Ohio retirement 34887
study council, the director of budget and management, and the 34888
standing committees of the house of representatives and the senate 34889
with primary responsibility for retirement legislation immediately 34890
upon its availability and not later than the first day of January 34891
following the year for which the valuation was made. 34892

(B) At such times as the state teachers retirement board 34893
determines, and at least once in each quinquennial period, the 34894
board shall have prepared by or under the supervision of an 34895
actuary an actuarial investigation of the mortality, service, and 34896
other experience of the members, retirants, and beneficiaries of 34897
the system, and other system retirants as defined in section 34898
3307.35 of the Revised Code to update the actuarial assumptions 34899
used in the actuarial valuation required by division (A) of this 34900
section. The actuary shall prepare a report of the actuarial 34901
investigation. The report shall be prepared and any recommended 34902
changes in actuarial assumptions shall be made in accordance with 34903
the actuarial standards of practice promulgated by the actuarial 34904
standards board of the American academy of actuaries. The report 34905
shall include all of the following: 34906

(1) A summary of relevant decrement and economic assumption 34907
experience observed over the period of the investigation; 34908

(2) Recommended changes in actuarial assumptions to be used 34909
in subsequent actuarial valuations required by division (A) of 34910
this section; 34911

(3) A measurement of the financial effect of the recommended 34912
changes in actuarial assumptions. 34913

The board shall submit the report to the Ohio retirement 34914
study council and the standing committees of the house of 34915
representatives and the senate with primary responsibility for 34916
retirement legislation not later than the first day of May 34917
following the last fiscal year of the period the report covers. 34918

(C) The board may at any time request the actuary to make any 34919
other studies or actuarial valuations to determine the adequacy of 34920
the normal and deficiency rates of contribution provided by 34921
section 3307.28 of the Revised Code, and those rates may be 34922
adjusted by the board, as recommended by the actuary, effective as 34923

of the first of any year thereafter. 34924

(D) The board shall have prepared by or under the supervision 34925
of an actuary an actuarial analysis of any introduced legislation 34926
expected to have a measurable financial impact on the retirement 34927
system. The actuarial analysis shall be completed in accordance 34928
with the actuarial standards of practice promulgated by the 34929
actuarial standards board of the American academy of actuaries. 34930
The actuary shall prepare a report of the actuarial analysis, 34931
which shall include all of the following: 34932

(1) A summary of the statutory changes that are being 34933
evaluated; 34934

(2) A description of or reference to the actuarial 34935
assumptions and actuarial cost method used in the report; 34936

(3) A description of the participant group or groups included 34937
in the report; 34938

(4) A statement of the financial impact of the legislation, 34939
including the resulting increase, if any, in the employer normal 34940
cost percentage; the increase, if any, in actuarial accrued 34941
liabilities; and the per cent of payroll that would be required to 34942
amortize the increase in actuarial accrued liabilities as a level 34943
per cent of covered payroll for all active members over a period 34944
not to exceed thirty years; 34945

(5) A statement of whether the scheduled contributions to the 34946
system after the proposed change is enacted are expected to be 34947
sufficient to satisfy the funding objectives established by the 34948
board. 34949

Not later than sixty days from the date of introduction of 34950
the legislation, the board shall submit a copy of the actuarial 34951
analysis to the legislative service commission, the standing 34952
committees of the house of representatives and the senate with 34953
primary responsibility for retirement legislation, and the Ohio 34954

retirement study council. 34955

(E) The board shall have prepared annually a report giving a 34956
full accounting of the revenues and costs relating to the 34957
provision of benefits under section 3307.39 of the Revised Code. 34958
The report shall be made as of June 30, 1997, and the thirtieth 34959
day of June of each year thereafter. The report shall include the 34960
following: 34961

(1) A description of the statutory authority for the benefits 34962
provided; 34963

(2) A summary of the benefits; 34964

(3) A summary of the eligibility requirements for the 34965
benefits; 34966

(4) A statement of the number of participants eligible for 34967
the benefits; 34968

(5) A description of the accounting, asset valuation, and 34969
funding method used to provide the benefits; 34970

(6) A statement of the net assets available for the 34971
provisions of benefits as of the last day of the fiscal year; 34972

(7) A statement of any changes in the net assets available 34973
for the provision of benefits, including participant and employer 34974
contributions, net investment income, administrative expenses, and 34975
benefits provided to participants, as of the last day of the 34976
fiscal year; 34977

(8) For the last six consecutive fiscal years, a schedule of 34978
the net assets available for the benefits, the annual cost of 34979
benefits, administrative expenses incurred, and annual employer 34980
contributions allocated for the provision of benefits; 34981

(9) A description of any significant changes that affect the 34982
comparability of the report required under this division; 34983

(10) A statement of the amount paid under division (B) of 34984

section 3307.39 of the Revised Code. 34985

The board shall submit the report to the Ohio retirement 34986
study council, the director of budget and management, and the 34987
standing committees of the house of representatives and the senate 34988
with primary responsibility for retirement legislation immediately 34989
upon its availability and not later than the thirty-first day of 34990
December following the year for which the report was made. 34991

Sec. 3309.21. (A) The school employees retirement board shall 34992
have prepared annually by or under the supervision of an actuary 34993
an actuarial valuation of the pension assets, liabilities, and 34994
funding requirements of the school employees retirement system as 34995
established pursuant to this chapter. The actuary shall complete 34996
the valuation in accordance with actuarial standards of practice 34997
promulgated by the actuarial standards board of the American 34998
academy of actuaries and prepare a report of the valuation. The 34999
report shall include all of the following: 35000

(1) A summary of the benefit provisions evaluated; 35001

(2) A summary of the census data and financial information 35002
used in the valuation; 35003

(3) A description of the actuarial assumptions, actuarial 35004
cost method, and asset valuation method used in the valuation, 35005
including a statement of the assumed rate of payroll growth and 35006
assumed rate of growth or decline in the number of members 35007
contributing to the retirement system; 35008

(4) A summary of findings that includes a statement of the 35009
actuarial accrued pension liabilities and unfunded actuarial 35010
accrued pension liabilities; 35011

(5) A schedule showing the effect of any changes in the 35012
benefit provisions, actuarial assumptions, or cost methods since 35013
the last annual actuarial valuation; 35014

(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the first day of May following the year for which the valuation was made.

(B) At such times as the school employees retirement board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries of the retirement system, and SERS retirants and other system retirants as defined in section 3309.341 of the Revised Code to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of this section;

(3) A measurement of the financial effect of the recommended changes in actuarial assumptions.

The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of May following the last fiscal year of the period the report covers.

(C) The board may at any time request the actuary to make any studies or actuarial valuations to determine the adequacy of the rates of contribution as provided by section 3309.49 of the Revised Code, and those rates may be adjusted by the board, as recommended by the actuary, effective as of the first of any year thereafter.

(D) The board shall have prepared by or under the supervision of an actuary an actuarial analysis of any introduced legislation expected to have a measurable financial impact on the retirement system. The actuarial analysis shall be completed in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The actuary shall prepare a report of the actuarial analysis, which shall include all of the following:

(1) A summary of the statutory changes that are being evaluated;

(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;

(3) A description of the participant group or groups included in the report;

(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period

not to exceed thirty years; 35077

(5) A statement of whether the scheduled contributions to the 35078
system after the proposed change is enacted are expected to be 35079
sufficient to satisfy the funding objectives established by the 35080
board. 35081

Not later than sixty days from the date of introduction of 35082
the legislation, the board shall submit a copy of the actuarial 35083
analysis to the legislative service commission, the standing 35084
committees of the house of representatives and the senate with 35085
primary responsibility for retirement legislation, and the Ohio 35086
retirement study council. 35087

(E) The board shall have prepared annually a report giving a 35088
full accounting of the revenues and costs relating to the 35089
provision of benefits under sections 3309.375 and 3309.69 of the 35090
Revised Code. The report shall be made as of June 30, 1997, and 35091
the thirtieth day of June of each year thereafter. The report 35092
shall include the following: 35093

(1) A description of the statutory authority for the benefits 35094
provided; 35095

(2) A summary of the benefits; 35096

(3) A summary of the eligibility requirements for the 35097
benefits; 35098

(4) A statement of the number of participants eligible for 35099
the benefits; 35100

(5) A description of the accounting, asset valuation, and 35101
funding method used to provide the benefits; 35102

(6) A statement of the net assets available for the provision 35103
of the benefits as of the last day of the fiscal year; 35104

(7) A statement of any changes in the net assets available 35105
for the provision of benefits, including participant and employer 35106

contributions, net investment income, administrative expenses, and 35107
benefits provided to participants, as of the last day of the 35108
fiscal year; 35109

(8) For the last six consecutive fiscal years, a schedule of 35110
the net assets available for the benefits, the annual cost of 35111
benefits, administrative expenses incurred, and annual employer 35112
contributions allocated for the provision of benefits; 35113

(9) A description of any significant changes that affect the 35114
comparability of the report required under this division; 35115

(10) A statement of the amount paid under division (E) of 35116
section 3309.69 of the Revised Code. 35117

The board shall submit the report to the Ohio retirement 35118
study council, the director of budget and management, and the 35119
standing committees of the house of representatives and the senate 35120
with primary responsibility for retirement legislation immediately 35121
upon its availability and not later than the thirty-first day of 35122
December following the year for which the report was made. 35123

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the 35124
Revised Code: 35125

(A) "Chartered nonpublic school" means a nonpublic school 35126
that holds a valid charter issued by the state board of education 35127
under section 3301.16 of the Revised Code and meets the standards 35128
established for such schools in rules adopted by the state board. 35129

(B) An "eligible student" is a student who satisfies the 35130
conditions specified in section 3310.03 or 3310.032 of the Revised 35131
Code. 35132

(C) "Parent" has the same meaning as in section 3313.98 of 35133
the Revised Code. 35134

(D) "Resident district" means the school district in which a 35135
student is entitled to attend school under section 3313.64 or 35136

3313.65 of the Revised Code. 35137

(E) "School year" has the same meaning as in section 3313.62 35138
of the Revised Code. 35139

Sec. 3310.02. (A) The educational choice scholarship pilot 35140
program is hereby established. Under the program, the department 35141
of education annually shall pay scholarships to attend chartered 35142
nonpublic schools in accordance with section 3310.08 of the 35143
Revised Code for up to the following number of eligible students: 35144

(1) Thirty thousand in the 2011-2012 school year; 35145

(2) Sixty thousand in the 2012-2013 school year and 35146
thereafter. 35147

(B) If the number of students who apply for a scholarship 35148
exceeds the number of scholarships available under division (A) of 35149
this section for the applicable school year, the department shall 35150
award scholarships in the following order of priority: 35151

(1) First, to eligible students who received scholarships in 35152
the prior school year; 35153

(2) Second, to eligible students with family incomes at or 35154
below two hundred per cent of the federal poverty guidelines, as 35155
defined in section 5101.46 of the Revised Code, who qualify under 35156
division (A) of section 3310.03 of the Revised Code. If the number 35157
of students described in division (B)(2) of this section who apply 35158
for a scholarship exceeds the number of available scholarships 35159
after awards are made under division (B)(1) of this section, the 35160
department shall select students described in division (B)(2) of 35161
this section by lot to receive any remaining scholarships. 35162

(3) Third, to other eligible students who qualify under 35163
division (A) of section 3310.03 of the Revised Code. If the number 35164
of students described in division (B)(3) of this section who apply 35165
for a scholarship exceeds the number of available scholarships 35166

after awards are made under divisions (B)(1) and (2) of this 35167
section, the department shall select students described in 35168
division (B)(3) of this section by lot to receive any remaining 35169
scholarships. 35170

(4) Fourth, to eligible students with family incomes at or 35171
below two hundred per cent of the federal poverty guidelines who 35172
qualify under division ~~(B)(D)~~ of section 3310.03 of the Revised 35173
Code. If the number of students described in division (B)(4) of 35174
this section who apply for a scholarship exceeds the number of 35175
available scholarships after awards are made under divisions 35176
(B)(1) to (3) of this section, the department shall select 35177
students described in division (B)(4) of this section by lot to 35178
receive any remaining scholarships. 35179

(5) Fifth, to other eligible students who qualify under 35180
division ~~(B)(D)~~ of section 3310.03 of the Revised Code. If the 35181
number of students described in division (B)(5) of this section 35182
who apply for a scholarship exceeds the number of available 35183
scholarships after awards are made under divisions (B)(1) to (4) 35184
of this section, the department shall select students described in 35185
division (B)(5) of this section by lot to receive any remaining 35186
scholarships. 35187

(6) Sixth, to eligible students with family incomes at or 35188
below two hundred per cent of the federal poverty guidelines who 35189
qualify under division (B) of section 3310.03 of the Revised Code. 35190
If the number of students described in division (B)(6) of this 35191
section who apply for a scholarship exceeds the number of 35192
available scholarships after awards are made under divisions 35193
(B)(1) to (5) of this section, the department shall select 35194
students described in division (B)(6) of this section by lot to 35195
receive any remaining scholarships. 35196

(7) Seventh, to other eligible students who qualify under 35197
division (B) of section 3310.03 of the Revised Code. If the number 35198

of students described in division (B)(7) of this section who apply 35199
for a scholarship exceeds the number of available scholarships 35200
after awards are made under divisions (B)(1) to (6) of this 35201
section, the department shall select students described in 35202
division (B)(7) of this section by lot to receive any remaining 35203
scholarships. 35204

Sec. 3310.03. A student is an "eligible student" for purposes 35205
of the educational choice scholarship pilot program if the 35206
student's resident district is not a school district in which the 35207
pilot project scholarship program is operating under sections 35208
3313.974 to 3313.979 of the Revised Code and the student satisfies 35209
one of the conditions in division (A), (B), ~~or (C)~~, or (D) of this 35210
section: 35211

(A)(1) The student is enrolled in a school building operated 35212
by the student's resident district that, on the report card issued 35213
under section 3302.03 of the Revised Code published prior to the 35214
first day of July of the school year for which a scholarship is 35215
sought, did not receive a rating as described in division ~~(G)~~(H) 35216
of this section, and to which any or a combination of any of the 35217
following apply for two of the three most recent report cards 35218
published prior to the first day of July of the school year for 35219
which a scholarship is sought: 35220

(a) The building was declared to be in a state of academic 35221
emergency or academic watch under section 3302.03 of the Revised 35222
Code as that section existed prior to ~~the effective date of this~~ 35223
~~amendment~~ March 22, 2013. 35224

(b) The building received a grade of "D" or "F" for the 35225
performance index score under division (A)(1)(b) or (B)(1)(b) of 35226
section 3302.03 of the Revised Code and for the value-added 35227
progress dimension under division (A)(1)(e) or (B)(1)(e) of 35228
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 35229

school year, or both; or if the building serves only grades ten 35230
through twelve, the building received a grade of "D" or "F" for 35231
the performance index score under division (A)(1)(b) or (B)(1)(b) 35232
of section 3302.03 of the Revised Code and had a four-year 35233
adjusted cohort graduation rate of less than seventy-five per 35234
cent. 35235

(c) The building received an overall grade of "D" or "F" 35236
under division (C)(3) of section 3302.03 of the Revised Code or a 35237
grade of "F" for the value-added progress dimension under division 35238
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 35239
school year or any school year thereafter. 35240

(2) The student is eligible to enroll in kindergarten in the 35241
school year for which a scholarship is sought and otherwise would 35242
be assigned under section 3319.01 of the Revised Code to a school 35243
building described in division (A)(1) of this section. 35244

(3) The student is enrolled in a community school established 35245
under Chapter 3314. of the Revised Code but otherwise would be 35246
assigned under section 3319.01 of the Revised Code to a building 35247
described in division (A)(1) of this section. 35248

(4) The student is enrolled in a school building operated by 35249
the student's resident district or in a community school 35250
established under Chapter 3314. of the Revised Code and otherwise 35251
would be assigned under section 3319.01 of the Revised Code to a 35252
school building described in division (A)(1) of this section in 35253
the school year for which the scholarship is sought. 35254

(5) The student is eligible to enroll in kindergarten in the 35255
school year for which a scholarship is sought, or is enrolled in a 35256
community school established under Chapter 3314. of the Revised 35257
Code, and all of the following apply to the student's resident 35258
district: 35259

(a) The district has in force an intradistrict open 35260

enrollment policy under which no student in kindergarten or the 35261
community school student's grade level, respectively, is 35262
automatically assigned to a particular school building; 35263

(b) In the most recent rating published prior to the first 35264
day of July of the school year for which scholarship is sought, 35265
the district did not receive a rating described in division ~~(G)~~(H) 35266
of this section, and in at least two of the three most recent 35267
report cards published prior to the first day of July of that 35268
school year, any or a combination of the following apply to the 35269
district: 35270

(i) The district was declared to be in a state of academic 35271
emergency under section 3302.03 of the Revised Code as it existed 35272
prior to ~~the effective date of this amendment~~ March 22, 2013. 35273

(ii) The district received a grade of "D" or "F" for the 35274
performance index score under division (A)(1)(b) or (B)(1)(b) of 35275
section 3302.03 of the Revised Code and for the value-added 35276
progress dimension under division (A)(1)(e) or (B)(1)(e) of 35277
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 35278
school year, or both. 35279

(c) The district received an overall grade of "D" or "F" 35280
under division (C)(3) of section 3302.03 of the Revised Code or a 35281
grade of "F" for the value-added progress dimension under division 35282
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 35283
school year or any school year thereafter. 35284

(B)(1) The student is enrolled in a school building operated 35285
by the student's resident district and to which both of the 35286
following apply: 35287

(a) The building was ranked, for at least two of the three 35288
most recent rankings published under section 3302.21 of the 35289
Revised Code prior to the first day of July of the school year for 35290
which a scholarship is sought, in the lowest ten per cent of all 35291

public school buildings according to performance index score under 35292
section 3302.21 of the Revised Code. 35293

(b) The building was not declared to be excellent or 35294
effective, or the equivalent of such ratings as determined by the 35295
department of education, under section 3302.03 of the Revised Code 35296
in the most recent rating published prior to the first day of July 35297
of the school year for which a scholarship is sought. 35298

(2) The student is eligible to enroll in kindergarten in the 35299
school year for which a scholarship is sought and otherwise would 35300
be assigned under section 3319.01 of the Revised Code to a school 35301
building described in division (B)(1) of this section. 35302

(3) The student is enrolled in a community school established 35303
under Chapter 3314. of the Revised Code but otherwise would be 35304
assigned under section 3319.01 of the Revised Code to a building 35305
described in division (B)(1) of this section. 35306

(4) The student is enrolled in a school building operated by 35307
the student's resident district or in a community school 35308
established under Chapter 3314. of the Revised Code and otherwise 35309
would be assigned under section 3319.01 of the Revised Code to a 35310
school building described in division (B)(1) of this section in 35311
the school year for which the scholarship is sought. 35312

(C) The student is enrolled in a nonpublic school at the time 35313
the school is granted a charter by the state board of education 35314
under section 3301.16 of the Revised Code and the student meets 35315
the standards of division (B) of section 3310.031 of the Revised 35316
Code. 35317

(D) For the 2016-2017 school year and each school year 35318
thereafter, the student is in any of grades kindergarten through 35319
three, is enrolled in a school building that is operated by the 35320
student's resident district, and to which both of the following 35321
apply: 35322

(1) The building, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought, received a grade of "D" or "F" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;

(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(E) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) ~~or~~, (B)(1), or (D) of this section;

(2) The student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

~~(E)~~(F)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings

of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section.

(4) However, students who have received scholarships in the prior school year remain eligible students pursuant to division ~~(D)~~(E) of this section.

~~(F)~~(G) The state board of education shall adopt rules defining excused absences for purposes of division ~~(D)~~(E)(3) of this section.

~~(G)~~(H)(1) A student who satisfies only the conditions prescribed in divisions (A)(1) to (4) of this section shall not be eligible for a scholarship if the student's resident building meets any of the following in the most recent rating under section

3302.03 of the Revised Code published prior to the first day of 35385
July of the school year for which a scholarship is sought: 35386

(a) The building has an overall designation of excellent or 35387
effective under section 3302.03 of the Revised Code as it existed 35388
prior to ~~the effective date of this amendment~~ March 22, 2013. 35389

(b) For the 2012-2013 or 2013-2014 school year or both, the 35390
building has a grade of "A" or "B" for the performance index score 35391
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 35392
Revised Code and for the value-added progress dimension under 35393
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 35394
Code; or if the building serves only grades ten through twelve, 35395
the building received a grade of "A" or "B" for the performance 35396
index score under division (A)(1)(b) or (B)(1)(b) of section 35397
3302.03 of the Revised Code and had a four-year adjusted cohort 35398
graduation rate of greater than or equal to seventy-five per cent. 35399

(c) For the 2014-2015 school year or any school year 35400
thereafter, the building has a grade of "A" or "B" under division 35401
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 35402
for the value-added progress dimension under division (C)(1)(e) of 35403
section 3302.03 of the Revised Code; or if the building serves 35404
only grades ten through twelve, the building received a grade of 35405
"A" or "B" for the performance index score under division 35406
(C)(1)(b) of section 3302.03 of the Revised Code and had a 35407
four-year adjusted cohort graduation rate of greater than or equal 35408
to seventy-five per cent. 35409

(2) A student who satisfies only the conditions prescribed in 35410
division (A)(5) of this section shall not be eligible for a 35411
scholarship if the student's resident district meets any of the 35412
following in the most recent rating under section 3302.03 of the 35413
Revised Code published prior to the first day of July of the 35414
school year for which a scholarship is sought: 35415

(a) The district has an overall designation of excellent or 35416
effective under section 3302.03 of the Revised Code as it existed 35417
prior to ~~the effective date of this amendment~~ March 22, 2013. 35418

(b) The district has a grade of "A" or "B" for the 35419
performance index score under division (A)(1)(b) or (B)(1)(b) of 35420
section 3302.03 of the Revised Code and for the value-added 35421
progress dimension under division (A)(1)(e) or (B)(1)(e) of 35422
section 3302.03 of the Revised Code for the 2012-2013 and 35423
2013-2014 school years. 35424

(c) The district has an overall grade of "A" or "B" under 35425
division (C)(3) of section 3302.03 of the Revised Code and a grade 35426
of "A" for the value-added progress dimension under division 35427
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 35428
school year or any school year thereafter. 35429

Sec. 3310.032. (A) A student is an "eligible student" for 35430
purposes of the expansion of the educational choice scholarship 35431
pilot program under this section if the student's resident 35432
district is not a school district in which the pilot project 35433
scholarship program is operating under sections 3313.974 to 35434
3313.979 of the Revised Code and the student's family income is at 35435
or below two hundred per cent of the federal poverty guidelines, 35436
as defined in section 5101.46 of the Revised Code. 35437

(B) In each fiscal year for which the general assembly 35438
appropriates funds for purposes of this section, the department of 35439
education shall pay scholarships to attend chartered nonpublic 35440
schools in accordance with section 3310.08 of the Revised Code. 35441
The number of scholarships awarded under this section shall not 35442
exceed the number that can be funded with appropriations made by 35443
the general assembly for this purpose. 35444

(C) Scholarships under this section shall be awarded as 35445
follows: 35446

(1) For the 2013-2014 school year, to eligible students who 35447
are entering kindergarten in that school year for the first time; 35448

(2) For each subsequent school year, scholarships shall be 35449
awarded to eligible students in the next grade level above the 35450
highest grade level awarded in the preceding school year, in 35451
addition to the grade levels for which students received 35452
scholarships in the preceding school year. 35453

(D) If the number of eligible students who apply for a 35454
scholarship under this section exceeds the scholarships available 35455
based on the appropriation for this section, the department shall 35456
award scholarships in the following order of priority: 35457

(1) First, to eligible students who received scholarships 35458
under this section in the prior school year; 35459

(2) Second, to eligible students with family incomes at or 35460
below one hundred per cent of the federal poverty guidelines. If 35461
the number of students described in division (D)(2) of this 35462
section who apply for a scholarship exceeds the number of 35463
available scholarships after awards are made under division (D)(1) 35464
of this section, the department shall select students described in 35465
division (D)(2) of this section by lot to receive any remaining 35466
scholarships. 35467

(3) Third, to other eligible students who qualify under this 35468
section. If the number of students described in division (D)(3) of 35469
this section exceeds the number of available scholarships after 35470
awards are made under divisions (D)(1) and (2) of this section, 35471
the department shall select students described in division (D)(3) 35472
of this section by lot to receive any remaining scholarships. 35473

(E) A student who receives a scholarship under this section 35474
remains an eligible student and may continue to receive 35475
scholarships under this section in subsequent school years until 35476
the student completes grade twelve, so long as the student 35477

satisfies the conditions specified in divisions (E)(2) and (3) of 35478
section 3310.03 of the Revised Code. 35479

Once a scholarship is awarded under this section, the student 35480
shall remain eligible for that scholarship for the current school 35481
year and subsequent school years even if the student's family 35482
income rises above the amount specified in division (A) of this 35483
section, provided the student remains enrolled in a chartered 35484
nonpublic school. 35485

Sec. 3310.05. A scholarship under the educational choice 35486
scholarship pilot program is not available for any student whose 35487
resident district is a school district in which the pilot project 35488
scholarship program is operating under sections 3313.974 to 35489
3313.979 of the Revised Code. The two pilot programs are separate 35490
and distinct, with differing eligibility criteria. The pilot 35491
project scholarship program operating under sections 3313.974 to 35492
3313.979 of the Revised Code is a district-wide program that may 35493
award scholarships to students who do not attend district schools 35494
that face academic challenges, whereas the educational choice 35495
scholarship pilot program established under sections 3310.01 to 35496
3310.17 of the Revised Code is limited to students of individual 35497
district school buildings that face academic challenges and to 35498
students from low-income families. 35499

Sec. 3310.06. It is the policy adopted by the general 35500
assembly that the educational choice scholarship pilot program 35501
shall be construed as one of several educational options available 35502
for students enrolled in academic emergency or academic watch 35503
school buildings or for students from low-income families. 35504
Students may be enrolled in the schools of the student's resident 35505
district, in a community school established under Chapter 3314. of 35506
the Revised Code, in the schools of another school district 35507
pursuant to an open enrollment policy adopted under section 35508

3313.98 of the Revised Code, in a chartered nonpublic school with 35509
or without a scholarship under the educational choice scholarship 35510
pilot program, or in other schools as the law may provide. 35511

Sec. 3310.08. (A) The amount paid for an eligible student 35512
under the educational choice scholarship pilot program shall be 35513
the lesser of the tuition of the chartered nonpublic school in 35514
which the student is enrolled or the maximum amount prescribed in 35515
section 3310.09 of the Revised Code. 35516

(B)(1) The department of education shall pay to the parent of 35517
each eligible student for whom a scholarship is awarded under the 35518
program, or to the student if at least eighteen years of age, 35519
periodic partial payments of the scholarship. 35520

(2) The department shall proportionately reduce or terminate 35521
the payments for any student who withdraws from a chartered 35522
nonpublic school prior to the end of the school year. 35523

(C)(1) The department shall deduct from the payments made to 35524
each school district under Chapter 3317., and if necessary, 35525
sections 321.24 and 323.156 of the Revised Code, the amount paid 35526
under division (B) of this section for each eligible student 35527
awarded who qualifies for a scholarship under the program section 35528
3310.03 of the Revised Code and who is entitled under section 35529
3313.64 or 3313.65 of the Revised Code to attend school in the 35530
district. In the case of a student entitled to attend school in a 35531
school district under division (B)(2)(a) of section 3313.64 or 35532
division (C) of section 3313.65 of the Revised Code, the 35533
department shall deduct the payments from the school district that 35534
includes the student in its average daily membership as reported 35535
to the department under section 3317.03 of the Revised Code, as 35536
determined by the department. 35537

(2) If the department reduces or terminates payments to a 35538

parent or a student, as prescribed in division (B)(2) of this 35539
section, and the student enrolls in the schools of the student's 35540
resident district or in a community school, established under 35541
Chapter 3314. of the Revised Code, before the end of the school 35542
year, the department shall proportionally restore to the resident 35543
district the amount deducted for that student under division 35544
(C)(1) of this section. 35545

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 35546
Revised Code: 35547

(A) "Alternative public provider" means either of the 35548
following providers that agrees to enroll a child in the 35549
provider's special education program to implement the child's 35550
individualized education program and to which the eligible 35551
applicant owes fees for the services provided to the child: 35552

(1) A school district that is not the school district in 35553
which the child is entitled to attend school or the child's school 35554
district of residence, if different; 35555

(2) A public entity other than a school district. 35556

(B) "Child with a disability" and "individualized education 35557
program" have the same meanings as in section 3323.01 of the 35558
Revised Code. 35559

(C) "Eligible applicant" means any of the following: 35560

(1) Either of the natural or adoptive parents of a qualified 35561
special education child, except as otherwise specified in this 35562
division. When the marriage of the natural or adoptive parents of 35563
the student has been terminated by a divorce, dissolution of 35564
marriage, or annulment, or when the natural or adoptive parents of 35565
the student are living separate and apart under a legal separation 35566
decree, and a court has issued an order allocating the parental 35567
rights and responsibilities with respect to the child, "eligible 35568

applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.

(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency;

(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caregiver authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.

(E) "Formula ADM" ~~and "formula amount" have~~ has the same ~~meanings~~ meaning as in section 3317.02 of the Revised Code.

(F) "Qualified special education child" is a child for whom all of the following conditions apply:

(1) The child is at least five years of age and less than

twenty-two years of age. 35599

(2) The school district in which the child is entitled to 35600
attend school, or the child's school district of residence if 35601
different, has identified the child as a child with a disability. 35602

(3) The school district in which the child is entitled to 35603
attend school, or the child's school district of residence if 35604
different, has developed an individualized education program under 35605
Chapter 3323. of the Revised Code for the child. 35606

(4) The child either: 35607

(a) Was enrolled in the schools of the school district in 35608
which the child is entitled to attend school in any grade from 35609
kindergarten through twelve in the school year prior to the school 35610
year in which a scholarship is first sought for the child; 35611

(b) Is eligible to enter school in any grade kindergarten 35612
through twelve in the school district in which the child is 35613
entitled to attend school in the school year in which a 35614
scholarship is first sought for the child. 35615

(5) The department of education has not approved a 35616
scholarship for the child under the educational choice scholarship 35617
pilot program, under sections 3310.01 to 3310.17 of the Revised 35618
Code, the autism scholarship program, under section 3310.41 of the 35619
Revised Code, or the pilot project scholarship program, under 35620
sections 3313.974 to 3313.979 of the Revised Code for the same 35621
school year in which a scholarship under the Jon Peterson special 35622
needs scholarship program is sought. 35623

(6) The child and the child's parents are in compliance with 35624
the state compulsory attendance law under Chapter 3321. of the 35625
Revised Code. 35626

(G) "Registered private provider" means a nonpublic school or 35627
other nonpublic entity that has been registered by the 35628

superintendent of public instruction under section 3310.58 of the Revised Code.

(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code.

(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.

(J) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(K) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

Sec. 3310.56. (A) The amount of the scholarship awarded and paid to an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship program in each school year shall be the least of the amounts prescribed in divisions (A)(1), (2), ~~or~~ and (3) of this section, as follows:

(1) The amount of fees charged for that school year by the alternative public provider or registered private provider;

(2) The sum of the amounts calculated under divisions (A)(2)(a) and (b) of this section:

(a) ~~The sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code for fiscal year 2009~~
The per pupil amount of the opportunity grant calculated under division (A)(1) of section 3317.022 for the school district in

which the child is entitled to attend school; 35659

(b) An amount ~~equal to \$5,732 times the following multiple~~ 35660
prescribed for the child's disability as follows: 35661

(i) For a student in category one, ~~0.2892~~ the amount 35662
specified in division (A) of section 3317.013 of the Revised Code; 35663

(ii) For a student in category two, ~~0.3691~~ the amount 35664
specified in division (B) of section 3317.013 of the Revised Code; 35665

(iii) For a student in category three, ~~1.7695~~ the amount 35666
specified in division (C) of section 3317.013 of the Revised Code; 35667

(iv) For a student in category four, ~~2.3646~~ the amount 35668
specified in division (D) of section 3317.013 of the Revised Code; 35669

(v) For a student in category five, ~~3.1129~~ the amount 35670
specified in division (E) of section 3317.013 of the Revised Code; 35671

(vi) For a student in category six, ~~4.7342~~ the amount 35672
specified in division (F) of section 3317.013 of the Revised Code. 35673

~~Before applying the multiples specified in divisions~~ 35674
~~(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted~~ 35675
~~by multiplying them by 0.90.~~ 35676

(3) Twenty thousand dollars. 35677

(B) As used in division (A)(2)(b) of this section, a child 35678
with a disability is in: 35679

(1) "Category one" if the ~~child's primary or only identified~~ 35680
~~disability is a speech and language disability, as this term is~~ 35681
~~defined pursuant to Chapter 3323. child is receiving special~~ 35682
education services for a disability specified in division (A) of 35683
section 3317.013 of the Revised Code; 35684

(2) "Category two" if the child is ~~identified as specific~~ 35685
~~learning disabled or developmentally disabled, as these terms are~~ 35686
~~defined pursuant to Chapter 3323. of the Revised Code, or as~~ 35687

~~having an other health impairment minor, as defined in section 3317.02 receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code;~~ 35688
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(3) "Category three" if the child is ~~identified as vision impaired, hearing disabled, or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code;~~ 35691
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(4) "Category four" if the child is ~~identified as orthopedically disabled, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment major, as defined in section 3317.02 receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code;~~ 35696
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(5) "Category five" if the child is ~~identified as having multiple disabilities, as this term is defined pursuant to Chapter 3323. receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code;~~ 35702
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(6) "Category six" if the child is ~~identified as autistic, having traumatic brain injuries, or both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.~~ 35706
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Sec. 3311.05. (A) ~~The territory within the territorial limits of a county, or the territory included in a district formed under section 3311.053 of the Revised Code, exclusive of the territory embraced in any city school district or exempted village school district, and excluding the territory detached therefrom for school purposes and including the territory attached thereto for school purposes constitutes an educational service center. If the educational service center in which the territory of a local~~ 35711
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~~school district is located is dissolved under section 3311.0510 of~~ 35719
~~the Revised Code, the territory of that local school district~~ 35720
~~shall not constitute part of any educational service center. An~~ 35721
educational service center is a regional public entity that 35722
provides services to public and nonpublic schools and local 35723
governments with whom they enter into an agreement to provide 35724
those services. 35725

(B) A county school financing district created under section 35726
3311.50 of the Revised Code is not the school district described 35727
in division (A) of this section or any other school district but 35728
is a taxing district. 35729

Sec. 3311.051. For purposes of this section, "client" means 35730
any local government, local, city, or exempted village school 35731
district, STEM school, community school, or chartered nonpublic 35732
school. 35733

The management and control of an educational service center 35734
shall be vested in a governing board selected in accordance with 35735
this section. Beginning on the effective date of this section, no 35736
election shall be held to elect governing board members, as 35737
formerly provided by section 3313.01 of the Revised Code, as that 35738
section existed prior to the effective date of this section. 35739
Beginning on the effective date of this section, the governing 35740
board of an educational service center shall consist of one or 35741
more persons who are appointed by the governing authority of the 35742
clients that have entered into agreements to receive services from 35743
the service center under sections 3313.843 to 3313.846 of the 35744
Revised Code. 35745

(A) All members of the governing board of any existing 35746
educational service center serving unexpired terms on the 35747
effective date of this section may continue in office until the 35748
expiration of their terms. If an elected member leaves office for 35749

any reason prior to the expiration of that member's term the 35750
vacancy shall be filled only in the manner provided in the 35751
educational service center governance plan described in division 35752
(B) of this section. 35753

(B) Subject to division (A) of this section, the number and 35754
terms of office of members of an educational service center 35755
governing board, the allocation of members to each of the 35756
participating clients, and the general governing structure of an 35757
educational service center shall be determined by a majority of 35758
the clients that have entered into an agreement with that 35759
educational service center under sections 3313.843 to 3313.846 of 35760
the Revised Code as memorialized in an educational service center 35761
governance plan. Each service center's plan shall be filed with 35762
the state board of education. 35763

(C) The members of the governing board with a plan in effect 35764
under this section may revise or rescind the plan. The revision or 35765
rescission of a plan shall be submitted to the state board. 35766

(D) Nothing in this section prohibits members of an 35767
educational service center governing board from serving on a joint 35768
vocational school district board of education as set forth in 35769
section 3311.19 of the Revised Code. 35770

Sec. 3311.053. (A) The boards of education of up to five 35771
adjoining educational service centers may, by identical 35772
resolutions plans adopted by a majority of the members of each 35773
governing board within any sixty-day period, combine such 35774
educational service centers into one educational service center. 35775
The resolutions plans shall state the name of the new center, 35776
which may be styled as a "joint educational service center." The 35777
resolutions plans shall also indicate whether the manner in which 35778
governing board of the new educational service center is to be 35779
formed in accordance with division (B) of this section, in 35780

~~accordance with division (A) of section 3311.054 of the Revised Code, or in accordance with section 3311.057 of the Revised Code~~ 35781
~~members will be selected.~~ 35782
35783

A copy of each ~~resolution plan~~ shall be filed with the state 35784
board of education. The new educational service center shall be 35785
created and the governing boards of the participating educational 35786
service centers shall be dissolved and a new governing board 35787
established thirty days after the date on which the last 35788
~~resolution plan~~ was filed with the state board. 35789

(B) The initial ~~and future~~ members of a new governing board 35790
established in accordance with this ~~division section~~ shall be 35791
~~appointed as follows:~~ 35792

~~(1) If two educational service centers combine, each center's~~ 35793
~~governing board, prior to its dissolution, shall appoint two~~ 35794
~~members to the new governing board and the four members so~~ 35795
~~selected shall select a fifth member within ten days of the date~~ 35796
~~on which the last of the four members is appointed.~~ 35797

~~(2) If three educational service centers combine, each~~ 35798
~~center's governing board, prior to its dissolution, shall appoint~~ 35799
~~one member to the new governing board and the three members so~~ 35800
~~selected shall select the remaining two members of the governing~~ 35801
~~board within ten days of the date on which the last of the three~~ 35802
~~members is appointed.~~ 35803

~~(3) If four educational service centers combine, each~~ 35804
~~center's governing board, prior to its dissolution, shall appoint~~ 35805
~~one member to the new governing board and the four members so~~ 35806
~~selected shall select the remaining member of the governing board~~ 35807
~~within ten days of the date on which the last of the four members~~ 35808
~~is appointed.~~ 35809

~~(4) If five educational service centers combine, each~~ 35810
~~center's governing board, prior to its dissolution, shall appoint~~ 35811

~~one member to the new governing board.~~ 35812

~~If the members appointed to a new governing board by the 35813
governing boards of the combining educational service centers are 35814
unable to agree on the selection of the remaining members of the 35815
new governing board within ten days, the probate judge of the 35816
county in which the greatest number of pupils under the 35817
supervision of the new educational service center reside shall 35818
appoint the remaining members.~~ 35819

~~Electors of the new educational service center shall elect a 35820
new governing board at the next general election occurring in an 35821
odd-numbered year and more than ninety days after the date of the 35822
appointment of the last member to the initial governing board. 35823
Members shall serve for the duration of the term to which they are 35824
elected or until their successors are elected and qualified. At 35825
such election, two members shall be elected to terms of two years 35826
and three members shall be elected to terms of four years. 35827
Thereafter, their successors shall be elected in the same manner 35828
and for the same terms as members of governing boards of all 35829
educational service centers. Each candidate for election as a 35830
member of the educational service center governing board shall 35831
file a nominating petition in accordance with section 3513.255 of 35832
the Revised Code selected in the manner outlined by the plan 35833
described in division (B) of section 3111.051 of the Revised Code. 35834~~

~~(C) If there is any transition period between the effective 35835
date of the merger of the service centers and the assumption of 35836
control of the new service center by the new board, the plans 35837
shall include provisions for an interim governing board which 35838
shall be appointed to govern the new service center until the time 35839
the new board is appointed and assumes control of the service 35840
center. The funds of each former educational service center shall 35841
be paid over in full to the governing board of the new educational 35842
service center, and the legal title to all property of the former 35843~~

governing boards shall become vested in the new governing board. 35844

The governing board of an educational service center created 35845
under this section shall honor all contracts made by the former 35846
governing boards. 35847

Sec. 3311.0510. (A) If all of the client school districts of 35848
an educational service center have terminated their agreements 35849
with the service center under division (D) of section 3313.843 of 35850
the Revised Code, upon the latest effective date of the 35851
terminations, the governing board of that service center shall be 35852
abolished and such service center shall be dissolved by order of 35853
the superintendent of public instruction. The superintendent's 35854
order shall provide for the equitable division and disposition of 35855
the assets, property, debts, and obligations of the service center 35856
among the school districts that were client school districts of 35857
the service center for the service center's last fiscal year of 35858
operation. The superintendent's order shall provide that the tax 35859
duplicate of each of those school districts shall be bound for and 35860
assume the district's equitable share of the outstanding 35861
indebtedness of the service center. The superintendent's order is 35862
final and is not appealable. 35863

Immediately upon the abolishment of the service center 35864
governing board pursuant to this section, the superintendent of 35865
public instruction shall appoint a qualified individual to 35866
administer the dissolution of the service center and to implement 35867
the terms of the superintendent's dissolution order. 35868

Prior to distributing assets to any school district under 35869
this section, but after paying in full other debts and obligations 35870
of the service center under this section, the superintendent of 35871
public instruction may assess against the remaining assets of the 35872
service center the amount of the costs incurred by the department 35873
of education in performing the superintendent's duties under this 35874

division, including the fees, if any, owed to the individual 35875
appointed to administer the superintendent's dissolution order. 35876
Any excess cost incurred by the department under this division 35877
shall be divided equitably among the school districts that were 35878
client school districts of the service center for the service 35879
center's last fiscal year of operation. Each district's share of 35880
that excess cost shall be bound against the tax duplicate of that 35881
district. 35882

(B) A final audit of the former service center shall be 35883
performed in accordance with procedures established by the auditor 35884
of state. 35885

(C) The public records of an educational service center that 35886
is dissolved under this section shall be transferred in accordance 35887
with this division. Public records maintained by the service 35888
center in connection with services provided by the service center 35889
to local school districts of which the territory of the service 35890
center is or previously was made up shall be transferred to each 35891
of the respective local school districts. Public records 35892
maintained by the service center in connection with services 35893
provided to client school districts shall be transferred to each 35894
of the respective client school districts. All other public 35895
records maintained by the service center at the time the service 35896
center ceases operations shall be transferred to the Ohio 35897
historical society for analysis and disposition by the society in 35898
its capacity as archives administrator for the state and its 35899
political subdivisions pursuant to division (C) of section 149.30 35900
and section 149.31 of the Revised Code. 35901

(D) As used in this section, "client school district" ~~has the~~ 35902
~~same meaning as in section 3317.11 of the Revised Code~~ means a 35903
city, exempted village, or local school district that has entered 35904
into an agreement under section 3313.843 or 3313.845 of the 35905
Revised Code to receive any services from an educational service 35906

center. 35907

Sec. 3311.19. (A) The management and control of a joint 35908
vocational school district shall be vested in the joint vocational 35909
school district board of education. Where a joint vocational 35910
school district is composed only of two or more local school 35911
districts located in one county, or when all the participating 35912
districts are in one county and the boards of such participating 35913
districts so choose, the educational service center governing 35914
board of the county in which the joint vocational school district 35915
is located shall serve as the joint vocational school district 35916
board of education. Where a joint vocational school district is 35917
composed of local school districts of more than one county, or of 35918
any combination of city, local, or exempted village school 35919
districts or educational service centers, unless administration by 35920
the educational service center governing board has been chosen by 35921
all the participating districts in one county pursuant to this 35922
section, the board of education of the joint vocational school 35923
district shall be composed of one or more persons who are members 35924
of the boards of education from each of the city or exempted 35925
village school districts or members of the educational service 35926
centers' governing boards affected to be appointed by the boards 35927
of education or governing boards of such school districts and 35928
educational service centers. In such joint vocational school 35929
districts the number and terms of members of the joint vocational 35930
school district board of education and the allocation of a given 35931
number of members to each of the city and exempted village 35932
districts and educational service centers shall be determined in 35933
the plan for such district, provided that each such joint 35934
vocational school district board of education shall be composed of 35935
an odd number of members. 35936

(B) Notwithstanding division (A) of this section, a governing 35937
board of an educational service center that has members of its 35938

governing board serving on a joint vocational school district 35939
board of education may make a request to the joint vocational 35940
district board that the joint vocational school district plan be 35941
revised to provide for one or more members of boards of education 35942
of ~~local~~ school districts that have entered into an agreement 35943
under section 3313.843 or 3313.845 of the Revised Code to receive 35944
any services from an educational service center and ~~are within the~~ 35945
~~territory of the educational service district and~~ within the joint 35946
vocational school district to serve in the place of or in addition 35947
to its educational service center governing board members. If 35948
agreement is obtained among a majority of the boards of education 35949
and governing boards that have a member serving on the joint 35950
vocational school district board of education and among a majority 35951
of the ~~local school district~~ boards of education ~~included in the~~ 35952
~~district and located within the territory of~~ school districts that 35953
have entered into an agreement under section 3313.843 or 3313.845 35954
of the Revised Code to receive any services from the educational 35955
service center whose board requests the substitution or addition, 35956
the state board of education may revise the joint vocational 35957
school district plan to conform with such agreement. 35958

(C) If the board of education of any school district or 35959
educational service center governing board included within a joint 35960
vocational district that has had its board or governing board 35961
membership revised under division (B) of this section requests the 35962
joint vocational school district board to submit to the state 35963
board of education a revised plan under which one or more joint 35964
vocational board members chosen in accordance with a plan revised 35965
under such division would again be chosen in the manner prescribed 35966
by division (A) of this section, the joint vocational board shall 35967
submit the revised plan to the state board of education, provided 35968
the plan is agreed to by a majority of the boards of education 35969
represented on the joint vocational board, a majority of the ~~local~~ 35970
~~school district~~ boards of school districts that have entered into 35971

an agreement under section 3313.843 or 3313.845 of the Revised 35972
Code to receive any services from an educational service center 35973
that are included within the joint vocational district, and each 35974
educational service center governing board affected by such plan. 35975
The state board of education may revise the joint vocational 35976
school district plan to conform with the revised plan. 35977

(D) The vocational schools in such joint vocational school 35978
district shall be available to all youth of school age within the 35979
joint vocational school district subject to the rules adopted by 35980
the joint vocational school district board of education in regard 35981
to the standards requisite to admission. A joint vocational school 35982
district board of education shall have the same powers, duties, 35983
and authority for the management and operation of such joint 35984
vocational school district as is granted by law, except by this 35985
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 35986
Code, to a board of education of a city school district, and shall 35987
be subject to all the provisions of law that apply to a city 35988
school district, except such provisions in this chapter and 35989
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 35990

(E) Where a governing board of an educational service center 35991
has been designated to serve as the joint vocational school 35992
district board of education, the educational service center 35993
superintendent shall be the executive officer for the joint 35994
vocational school district, and the governing board may provide 35995
for additional compensation to be paid to the educational service 35996
center superintendent by the joint vocational school district, but 35997
the educational service center superintendent shall have no 35998
continuing tenure other than that of educational service center 35999
superintendent. The superintendent of schools of a joint 36000
vocational school district shall exercise the duties and authority 36001
vested by law in a superintendent of schools pertaining to the 36002
operation of a school district and the employment and supervision 36003

of its personnel. The joint vocational school district board of 36004
education shall appoint a treasurer of the joint vocational school 36005
district who shall be the fiscal officer for such district and who 36006
shall have all the powers, duties, and authority vested by law in 36007
a treasurer of a board of education. Where a governing board of an 36008
educational service center has been designated to serve as the 36009
joint vocational school district board of education, such board 36010
may appoint the educational service center superintendent as the 36011
treasurer of the joint vocational school district. 36012

(F) Each member of a joint vocational school district board 36013
of education may be paid such compensation as the board provides 36014
by resolution, but it shall not exceed one hundred twenty-five 36015
dollars per member for each meeting attended plus mileage, at the 36016
rate per mile provided by resolution of the board, to and from 36017
meetings of the board. 36018

The board may provide by resolution for the deduction of 36019
amounts payable for benefits under section 3313.202 of the Revised 36020
Code. 36021

Each member of a joint vocational school district board may 36022
be paid such compensation as the board provides by resolution for 36023
attendance at an approved training program, provided that such 36024
compensation shall not exceed sixty dollars per day for attendance 36025
at a training program three hours or fewer in length and one 36026
hundred twenty-five dollars a day for attendance at a training 36027
program longer than three hours in length. However, no board 36028
member shall be compensated for the same training program under 36029
this section and section 3313.12 of the Revised Code. 36030

Sec. 3311.22. A governing board of an educational service 36031
center may propose, by resolution adopted by majority vote of its 36032
full membership, or qualified electors of the area affected equal 36033
in number to at least fifty-five per cent of the qualified 36034

electors voting at the last general election residing within that 36035
portion of a school district, or districts proposed to be 36036
transferred may propose, by petition, the transfer of a part or 36037
all of one or more local school districts to another local school 36038
district or districts within the territory of the educational 36039
service center. Such transfers may be made only to local school 36040
districts adjoining the school district that is proposed to be 36041
transferred, unless the board of education of the district 36042
proposed to be transferred has entered into an agreement pursuant 36043
to section 3313.42 of the Revised Code, in which case such 36044
transfers may be made to any local school district within the 36045
territory of the educational service center. 36046

When a governing board of an educational service center 36047
adopts a resolution proposing a transfer of school territory it 36048
shall forthwith file a copy of such resolution, together with an 36049
accurate map of the territory described in the resolution, with 36050
the board of education of each school district whose boundaries 36051
would be altered by such proposal. A governing board of an 36052
educational service center proposing a transfer of territory under 36053
the provisions of this section shall at its next regular meeting 36054
that occurs not earlier than thirty days after the adoption by the 36055
governing board of a resolution proposing such transfer, adopt a 36056
resolution making the transfer effective at any time prior to the 36057
next succeeding first day of July, unless, prior to the expiration 36058
of such thirty-day period, qualified electors residing in the area 36059
proposed to be transferred, equal in number to a majority of the 36060
qualified electors voting at the last general election, file a 36061
petition of referendum against such transfer. 36062

Any petition of transfer or petition of referendum filed 36063
under the provisions of this section shall be filed at the office 36064
of the educational service center superintendent. The person 36065
presenting the petition shall be given a receipt containing 36066

thereon the time of day, the date, and the purpose of the 36067
petition. 36068

The educational service center superintendent shall cause the 36069
board of elections to check the sufficiency of signatures on any 36070
petition of transfer or petition of referendum filed under this 36071
section and, if found to be sufficient, the superintendent shall 36072
present the petition to the educational service center governing 36073
board at a meeting of the board which shall occur not later than 36074
thirty days following the filing of the petition. 36075

Upon presentation to the educational service center governing 36076
board of a proposal to transfer territory as requested by petition 36077
of fifty-five per cent of the qualified electors voting at the 36078
last general election or a petition of referendum against a 36079
proposal of the county board to transfer territory, the governing 36080
board shall promptly certify the proposal to the board of 36081
elections for the purpose of having the proposal placed on the 36082
ballot at the next general or primary election which occurs not 36083
less than ninety days after the date of such certification, or at 36084
a special election, the date of which shall be specified in the 36085
certification, which date shall not be less than ninety days after 36086
the date of such certification. Signatures on a petition of 36087
transfer or petition of referendum may be withdrawn up to and 36088
including the above mentioned meeting of the educational service 36089
center governing board only by order of the board upon testimony 36090
of the petitioner concerned under oath before the board that the 36091
petitioner's signature was obtained by fraud, duress, or 36092
misrepresentation. 36093

If a petition is filed with the educational service center 36094
governing board which proposes the transfer of a part or all of 36095
the territory included in a resolution of transfer previously 36096
adopted by the educational service center governing board, no 36097
action shall be taken on such petition if within the thirty-day 36098

period after the adoption of the resolution of transfer a 36099
referendum petition is filed. After the election, if the proposed 36100
transfer fails to receive a majority vote, action on such petition 36101
shall then be processed under this section as though originally 36102
filed under the provisions hereof. If no referendum petition is 36103
filed within the thirty-day period after the adoption of the 36104
resolution of transfer, no action shall be taken on such petition. 36105

If a petition is filed with the educational service center 36106
governing board which proposes the transfer of a part or all of 36107
the territory included in a petition previously filed by electors 36108
no action shall be taken on such new petition. 36109

Upon certification of a proposal to the board or boards of 36110
elections pursuant to this section, the board or boards of 36111
elections shall make the necessary arrangements for the submission 36112
of such question to the electors of the county or counties 36113
qualified to vote thereon, and the election shall be conducted and 36114
canvassed and the results shall be certified in the same manner as 36115
in regular elections for the election of members of a board of 36116
education. 36117

The persons qualified to vote upon a proposal are the 36118
electors residing in the district or districts containing 36119
territory that is proposed to be transferred. If the proposed 36120
transfer be approved by at least a majority of the electors voting 36121
on the proposal, the educational service center governing board 36122
shall make such transfer at any time prior to the next succeeding 36123
first day of July. If the proposed transfer is not approved by at 36124
least a majority of the electors voting on the proposal, the 36125
question of transferring any property included in the territory 36126
covered by the proposal shall not be submitted to electors at any 36127
election prior to the first general election the date of which is 36128
at least two years after the date of the original election, or the 36129
first primary election held in an even-numbered year the date of 36130

which is at least two years after the date of the original 36131
election. A transfer shall be subject to the approval of the 36132
receiving board or boards of education, unless the proposal was 36133
initiated by the educational service center governing board, in 36134
which case, if the transfer is opposed by the board of education 36135
offered the territory, the local board may, within thirty days, 36136
following the receipt of the notice of transfer, appeal to the 36137
state board of education which shall then either approve or 36138
disapprove the transfer. 36139

Following an election upon a proposed transfer initiated by a 36140
petition the board of education that is offered territory shall, 36141
within thirty days following receipt of the proposal, either 36142
accept or reject the transfer. 36143

When an entire school district is proposed to be transferred 36144
to two or more school districts and the offer is rejected by any 36145
one of the receiving boards of education, none of the territory 36146
included in the proposal shall be transferred. 36147

Upon the acceptance of territory by the receiving board or 36148
boards of education the educational service center governing board 36149
offering the territory shall file with the county auditor and with 36150
the state board of education an accurate map showing the 36151
boundaries of the territory transferred. 36152

Upon the making of such transfer, the net indebtedness of the 36153
former district from which territory was transferred shall be 36154
apportioned between the acquiring school district and that portion 36155
of the former school district remaining after the transfer in the 36156
ratio which the assessed valuation of the territory transferred to 36157
the acquiring school district bears to the assessed valuation of 36158
the original school district as of the effective date of the 36159
transfer. As used in this section "net indebtedness" means the 36160
difference between the par value of the outstanding and unpaid 36161
bonds and notes of the school district and the amount held in the 36162

sinking fund and other indebtedness retirement funds for their 36163
redemption. 36164

~~If an entire district is transferred, any indebtedness of the 36165
former district incurred as a result of a loan made under section 36166
3317.64 of the Revised Code is hereby canceled and such 36167
indebtedness shall not be apportioned among any districts 36168
acquiring the territory. 36169~~

Upon the making of any transfer under this section, the funds 36170
of the district from which territory was transferred shall be 36171
divided equitably by the educational service center governing 36172
board between the acquiring district and any part of the original 36173
district remaining after the transfer. 36174

If an entire district is transferred the board of education 36175
of such district is thereby abolished or if a member of the board 36176
of education lives in that part of a school district transferred 36177
the member becomes a nonresident of the school district from which 36178
the territory was transferred and such member ceases to be a 36179
member of the board of education of such district. 36180

The legal title of all property of the board of education in 36181
the territory transferred shall become vested in the board of 36182
education of the school district to which such territory is 36183
transferred. 36184

Subsequent to June 30, 1959, if an entire district is 36185
transferred, foundation program moneys accruing to a district 36186
accepting school territory under the provisions of this section or 36187
former section 3311.22 of the Revised Code, shall not be less, in 36188
any year during the next succeeding three years following the 36189
transfer, than the sum of the amounts received by the districts 36190
separately in the year in which the transfer was consummated. 36191

Sec. 3311.231. A governing board of an educational service 36192

center may propose, by resolution adopted by majority vote of its 36193
full membership, or qualified electors of the area affected equal 36194
in number to not less than fifty-five per cent of the qualified 36195
electors voting at the last general election residing within that 36196
portion of a school district proposed to be transferred may 36197
propose, by petition, the transfer of a part or all of one or more 36198
local school districts within the territory of the center to an 36199
adjoining educational service center or to an adjoining city or 36200
exempted village school district. 36201

A governing board of an educational service center adopting a 36202
resolution proposing a transfer of school territory under this 36203
section shall file a copy of such resolution together with an 36204
accurate map of the territory described in the resolution, with 36205
the board of education of each school district whose boundaries 36206
would be altered by such proposal. Where a transfer of territory 36207
is proposed by a governing board of an educational service center 36208
under this section, the governing board shall, at its next regular 36209
meeting that occurs not earlier than the thirtieth day after the 36210
adoption by the governing board of the resolution proposing such 36211
transfer, adopt a resolution making the transfer as originally 36212
proposed, effective at any time prior to the next succeeding first 36213
day of July, unless, prior to the expiration of such thirty-day 36214
period, qualified electors residing in the area proposed to be 36215
transferred, equal in number to a majority of the qualified 36216
electors voting at the last general election, file a petition of 36217
referendum against such transfer. 36218

Any petition of transfer or petition of referendum under the 36219
provisions of this section shall be filed at the office of the 36220
educational service center superintendent. The person presenting 36221
the petition shall be given a receipt containing thereon the time 36222
of day, the date, and the purpose of the petition. 36223

The educational service center superintendent shall cause the 36224

board of elections to check the sufficiency of signatures on any 36225
such petition, and, if found to be sufficient, the superintendent 36226
shall present the petition to the educational service center 36227
governing board at a meeting of said governing board which shall 36228
occur not later than thirty days following the filing of said 36229
petition. 36230

The educational service center governing board shall promptly 36231
certify the proposal to the board of elections of such counties in 36232
which school districts whose boundaries would be altered by such 36233
proposal are located for the purpose of having the proposal placed 36234
on the ballot at the next general or primary election which occurs 36235
not less than ninety days after the date of such certification or 36236
at a special election, the date of which shall be specified in the 36237
certification, which date shall not be less than ninety days after 36238
the date of such certification. 36239

Signatures on a petition of transfer or petition of 36240
referendum may be withdrawn up to and including the above 36241
mentioned meeting of the educational service center governing 36242
board only by order of the governing board upon testimony of the 36243
petitioner concerned under oath before the board that the 36244
petitioner's signature was obtained by fraud, duress, or 36245
misrepresentation. 36246

If a petition is filed with the educational service center 36247
governing board which proposes the transfer of a part or all of 36248
the territory included either in a petition previously filed by 36249
electors or in a resolution of transfer previously adopted by the 36250
educational service center governing board, no action shall be 36251
taken on such new petition as long as the previously initiated 36252
proposal is pending before the governing board or is subject to an 36253
election. 36254

Upon certification of a proposal to the board or boards of 36255
elections pursuant to this section, the board or boards of 36256

elections shall make the necessary arrangements for the submission 36257
of such question to the electors of the county or counties 36258
qualified to vote thereon, and the election shall be conducted and 36259
canvassed and the results shall be certified in the same manner as 36260
in regular elections for the election of members of a board of 36261
education. 36262

The persons qualified to vote upon a proposal are the 36263
electors residing in the district or districts containing 36264
territory that is proposed to be transferred. If the proposed 36265
transfer is approved by at least a majority of the electors voting 36266
on the proposal, the educational service center governing board 36267
shall make such transfer at any time prior to the next succeeding 36268
first day of July, subject to the approval of the receiving board 36269
of education in case of a transfer to a city or exempted village 36270
school district, and subject to the approval of the educational 36271
service center governing board of the receiving center, in case of 36272
a transfer to an educational service center. If the proposed 36273
transfer is not approved by at least a majority of the electors 36274
voting on the proposal, the question of transferring any property 36275
included in the territory covered by the proposal shall not be 36276
submitted to electors at any election prior to the first general 36277
election the date of which is at least two years after the date of 36278
the original election, or the first primary election held in an 36279
even-numbered year the date of which is at least two years after 36280
the date of the original election. 36281

Where a territory is transferred under this section to a city 36282
or exempted village school district, the board of education of 36283
such district shall, and where territory is transferred to an 36284
educational service center the governing board of such educational 36285
service center shall, within thirty days following receipt of the 36286
proposal, either accept or reject the transfer. 36287

Where a governing board of an educational service center 36288

adopts a resolution accepting territory transferred to the 36289
educational service center under the provisions of sections 36290
3311.231 and 3311.24 of the Revised Code, the governing board 36291
shall, at the time of the adoption of the resolution accepting the 36292
territory, designate the school district to which the accepted 36293
territory shall be annexed. 36294

When an entire school district is proposed to be transferred 36295
to two or more adjoining school districts and the offer is 36296
rejected by any one of the receiving boards of education, none of 36297
the territory included in the proposal shall be transferred. 36298

Upon the acceptance of territory by the receiving board or 36299
boards of education the educational service center governing board 36300
offering the territory shall file with the county auditor of each 36301
county affected by the transfer and with the state board of 36302
education an accurate map showing the boundaries of the territory 36303
transferred. 36304

Upon the making of such transfer, the net indebtedness of the 36305
former district from which territory was transferred shall be 36306
apportioned between the acquiring school district and the portion 36307
of the former school district remaining after the transfer in the 36308
ratio which the assessed valuation of the territory transferred to 36309
the acquiring school district bears to the assessed valuation of 36310
the original school district as of the effective date of the 36311
transfer. As used in this section "net indebtedness" means the 36312
difference between the par value of the outstanding and unpaid 36313
bonds and notes of the school district and the amount held in the 36314
sinking fund and other indebtedness retirement funds for their 36315
redemption. 36316

~~If an entire district is transferred, any indebtedness of the 36317
former district incurred as a result of a loan made under section 36318
3317.64 of the Revised Code is hereby canceled and such 36319
indebtedness shall not be apportioned among any districts 36320~~

~~acquiring the territory.~~ 36321

Upon the making of any transfer under this section, the funds 36322
of the district from which territory was transferred shall be 36323
divided equitably by the educational service center governing 36324
board, between the acquiring district and any part of the original 36325
district remaining after the transfer. 36326

If an entire district is transferred the board of education 36327
of such district is thereby abolished or if a member of the board 36328
of education lives in that part of a school district transferred 36329
the member becomes a nonresident of the school district from which 36330
the territory was transferred and such member ceases to be a 36331
member of the board of education of such district. 36332

The legal title of all property of the board of education in 36333
the territory transferred shall become vested in the board of 36334
education of the school district to which such territory is 36335
transferred. 36336

If an entire district is transferred, foundation program 36337
moneys accruing to a district receiving school territory under the 36338
provisions of this section shall not be less, in any year during 36339
the next succeeding three years following the transfer, than the 36340
sum of the amounts received by the districts separately in the 36341
year in which the transfer was consummated. 36342

Sec. 3311.38. The state board of education may conduct, or 36343
may direct the superintendent of public instruction to conduct, 36344
studies where there is evidence of need for transfer of local, 36345
exempted village, or city school districts, or parts of any such 36346
districts, to contiguous or noncontiguous local, exempted village, 36347
or city school districts. Such studies shall include a study of 36348
the effect of any proposal upon any portion of a school district 36349
remaining after such proposed transfer. The state board, in 36350
conducting such studies and in making recommendations as a result 36351

thereof, shall consider the possibility of improving school 36352
district organization as well as the desires of the residents of 36353
the school districts which would be affected. 36354

(A) After the adoption of recommendations growing out of any 36355
such study, or upon receipt of a resolution adopted by majority 36356
vote of the full membership of the board of any city, local, or 36357
exempted village school district requesting that the entire 36358
district be transferred to another city, local, or exempted 36359
village school district, the state board may propose by resolution 36360
the transfer of territory, which may consist of part or all of the 36361
territory of a local, exempted village, or city school district to 36362
a contiguous local, exempted village, or city school district. 36363

The state board shall thereupon file a copy of such proposal 36364
with the board of education of each school district whose 36365
boundaries would be altered by the proposal and with the governing 36366
board of any educational service center in which such school 36367
district is located. 36368

The state board may, not less than thirty days following the 36369
adoption of the resolution proposing the transfer of territory, 36370
certify the proposal to the board of elections of the county or 36371
counties in which any of the territory of the proposed district is 36372
located, for the purpose of having the proposal placed on the 36373
ballot at the next general election or at a primary election 36374
occurring not less than ninety days after the adoption of such 36375
resolution. 36376

If any proposal has been previously initiated pursuant to 36377
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 36378
affects any of the territory affected by the proposal of the state 36379
board, the proposal of the state board shall not be placed on the 36380
ballot while the previously initiated proposal is subject to an 36381
election. 36382

Upon certification of a proposal to the board of elections of
any county pursuant to this section, the board of elections of
such county shall make the necessary arrangements for the
submission of such question to the electors of the county
qualified to vote thereon, and the election shall be counted and
canvassed and the results shall be certified in the same manner as
in regular elections for the election of members of a board of
education.

The electors qualified to vote upon a proposal are the
electors residing in the local, exempted village, or city school
districts, containing territory proposed to be transferred.

If the proposed transfer be approved by a majority of the
electors voting on the proposal, the state board, subject to the
approval of the board of education of the district to which the
territory would be transferred, shall make such transfer prior to
the next succeeding July 1.

(B) If a study conducted in accordance with this section
involves a school district with less than four thousand dollars of
assessed value for each pupil in the total student count
determined under section 3317.03 of the Revised Code, the state
board of education, with the approval of the educational service
center governing board, and upon recommendation by the state
superintendent of public instruction, may by resolution transfer
all or any part of such a school district to any city, exempted
village, or local school district which has more than twenty-five
thousand pupils in average daily membership. Such resolution of
transfer shall be adopted only after the board of education of the
receiving school district has adopted a resolution approving the
proposed transfer. For the purposes of this division, the assessed
value shall be as certified in accordance with section 3317.021 of
the Revised Code.

(C) Upon the making of a transfer of an entire school

district pursuant to this section, the indebtedness of the 36415
district transferred shall be assumed in full by the acquiring 36416
district and the funds of the district transferred shall be paid 36417
over in full to the acquiring district, ~~except that any~~ 36418
~~indebtedness of the transferred district incurred as a result of a~~ 36419
~~loan made under section 3317.64 of the Revised Code is hereby~~ 36420
~~canceled and shall not be assumed by the acquiring district.~~ 36421

(D) Upon the making of a transfer pursuant to this section, 36422
when only part of a district is transferred, the net indebtedness 36423
of each original district of which only a part is taken by the 36424
acquiring district shall be apportioned between the acquiring 36425
district and the original district in the ratio which the assessed 36426
valuation of the part taken by the acquiring district bears to the 36427
assessed valuation of the original district as of the effective 36428
date of the transfer. As used in this section "net indebtedness" 36429
means the difference between the par value of the outstanding and 36430
unpaid bonds and notes of the school district and the amount held 36431
in the sinking fund and other indebtedness retirement funds for 36432
their redemption. 36433

(E) Upon the making of a transfer pursuant to this section, 36434
when only part of a district is transferred, the funds of the 36435
district from which territory was transferred shall be divided 36436
equitably by the state board between the acquiring district and 36437
that part of the former district remaining after the transfer. 36438

(F) If an entire school district is transferred, the board of 36439
education of such district is thereby abolished. If part of a 36440
school district is transferred, any member of the board of 36441
education who is a legal resident of that part which is 36442
transferred shall thereby cease to be a member of that board. 36443

If an entire school district is transferred, foundation 36444
program moneys accruing to a district accepting school territory 36445
under the provisions of this section shall not be less, in any 36446

year during the next succeeding three years following the 36447
transfer, than the sum of the amounts received by the districts 36448
separately in the year in which the transfer became effective. 36449

Sec. 3311.78. Notwithstanding any provision of the Revised 36450
Code to the contrary, a municipal school district shall be subject 36451
to this section instead of sections ~~3317.13~~, 3317.14~~7~~, and 3317.141 36452
of the Revised Code. 36453

(A) As used in this section, "principal" includes an 36454
assistant principal. 36455

(B) The board of education of each municipal school district 36456
annually shall adopt a differentiated salary schedule for teachers 36457
based upon performance as described in division (D) of this 36458
section. The board also annually shall adopt a differentiated 36459
salary schedule for principals based upon performance as described 36460
in division (D) of this section. 36461

For each teacher or principal hired on or after ~~the effective~~ 36462
~~date of this section~~ October 1, 2012, the board shall determine 36463
the teacher's or principal's initial placement on the applicable 36464
salary schedule based on years of experience and area of licensure 36465
and any other factors the board considers appropriate. For each 36466
teacher hired prior to ~~the effective date of this section~~ October 36467
1, 2012, the board shall initially place the teacher on the 36468
applicable salary schedule so that the teacher's annual salary on 36469
the schedule is comparable to the teacher's annual salary for the 36470
school year immediately prior to the school year covered by the 36471
schedule. For each principal hired prior to ~~the effective date of~~ 36472
~~this section~~ October 1, 2012, the board shall initially place the 36473
principal on the applicable salary schedule consistent with the 36474
principal's employment contract. 36475

(C) The salary of a teacher shall not be reduced unless such 36476
reduction is accomplished as part of a negotiated collective 36477

bargaining agreement. The salary of a principal shall not be 36478
reduced during the term of the principal's employment contract 36479
unless such reduction is by mutual agreement of the board and the 36480
principal or is part of a uniform plan affecting the entire 36481
district. 36482

(D) For purposes of the schedules, the board shall measure a 36483
teacher's or principal's performance by considering all of the 36484
following: 36485

(1) The level of license issued under section 3319.22 of the 36486
Revised Code that the teacher or principal holds; 36487

(2) Whether the teacher or principal is a highly qualified 36488
teacher, as defined in section 3319.074 of the Revised Code; 36489

(3) Ratings received by the teacher or principal on 36490
performance evaluations conducted under section 3311.80 or 3311.84 36491
of the Revised Code; 36492

(4) Any specialized training and experience in the assigned 36493
position. 36494

(E) The salary schedules adopted under this section may 36495
provide for additional compensation for teachers or principals who 36496
perform duties, not contracted for under a supplemental contract, 36497
that the board determines warrant additional compensation. Those 36498
duties may include, but are not limited to, assignment to a school 36499
building eligible for funding under Title I of the "Elementary and 36500
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; 36501
assignment to a building in "school improvement" status under the 36502
"No Child Left Behind Act of 2001," as defined in section 3302.01 36503
of the Revised Code; teaching in a grade level or subject area in 36504
which the board has determined there is a shortage within the 36505
district; assignment to a hard-to-staff school, as determined by 36506
the board; or teaching in a school with an extended school day or 36507
school year. 36508

(F) The chief executive officer of the district, or the chief executive officer's designee, annually shall review the salary of each teacher and principal and make a recommendation to the board. Based on the recommendation, the board may increase a teacher's or principal's salary based on the teacher's or principal's performance and duties as provided for in divisions (D) and (E) of this section. The performance-based increase for a teacher or principal rated as accomplished shall be greater than the performance-based increase for a teacher or principal rated as proficient. Notwithstanding division (C) of this section, division (C) of section 3319.02, and section 3319.12 of the Revised Code, the board may decrease the teacher's or principal's salary if the teacher or principal will perform fewer or different duties described in division (E) of this section in the school year for which the salary is decreased.

(G) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after ~~the effective date of this section~~ October 1, 2012. However, the board and the teachers' labor organization shall negotiate the implementation of the differentiated salary schedule for teachers and may negotiate additional factors regarding teacher salaries, provided those factors are consistent with this section.

Sec. 3312.08. Each fiscal agent selected by the department of education pursuant to section 3312.07 of the Revised Code shall do all of the following:

(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts;

(B) Receive federal and state funds, including federal funds 36540
for the provision of special education and related services, as 36541
specified in the performance contracts, and disburse those funds 36542
as specified in the performance contracts to educational service 36543
centers, information technology centers, and other regional 36544
service providers. However, any funds owed to an educational 36545
service center in accordance with an agreement entered into under 36546
section ~~3317.11~~ 3313.843, 3313.844, or 3313.845 of the Revised 36547
Code shall be paid directly to the service center by the 36548
department ~~in accordance with that section~~ and any operating funds 36549
appropriated for an information technology center shall be paid 36550
directly to the information technology center by the department 36551
pursuant to section 3301.075 of the Revised Code. 36552

(C) Implement any expenditure of funds recommended by the 36553
advisory council for the region pursuant to section 3312.04 of the 36554
Revised Code or required by the terms of any performance contract, 36555
unless there are insufficient funds available to the region to pay 36556
for the expenditure or the expenditure violates a provision of the 36557
Revised Code, a rule of the state board of education regarding 36558
such expenditure, or the terms of a performance contract; 36559

(D) Exercise fiscal oversight of the implementation of state 36560
and regional education initiatives and school improvement efforts. 36561

Sec. 3313.01. In local and exempted village school districts 36562
~~an educational service centers, except as provided in section~~ 36563
~~3311.054 and 3311.056 of the Revised Code,~~ the board of education 36564
~~or governing board of an educational service center~~ shall consist 36565
of five members who shall be electors residing in the territory 36566
composing the respective districts and shall be elected at large 36567
in their respective districts. 36568

Sec. 3313.11. Notwithstanding division (D) of section 3311.19 36569

and division (D) of section 3311.52 of the Revised Code, this 36570
section does not apply to any joint vocational or cooperative 36571
education school district. 36572

A vacancy in any board of education may be caused by death, 36573
nonresidence, resignation, removal from office, failure of a 36574
person elected or appointed to qualify within ten days after the 36575
organization of the board or of appointment or election, removal 36576
from the district, or absence from meetings of the board for a 36577
period of ninety days, if such absence is caused by reasons 36578
declared insufficient by a two-thirds vote of the remaining 36579
members of the board, which vote must be taken and entered upon 36580
the records of the board not less than thirty days after such 36581
absence. 36582

If the board members are selected by appointment pursuant to 36583
division (B) or (F) of section 3311.71 of the Revised Code, the 36584
appointing authority responsible for the appointment shall fill 36585
any such vacancy by appointment of an individual to serve the 36586
remainder of the unexpired term from a slate of at least three 36587
persons proposed by the municipal school district nominating panel 36588
established under that section. If the member creating the vacancy 36589
resides in a municipal school district but not in the municipal 36590
corporation containing the greatest portion of the district's 36591
territory, the individuals included on such slate shall also 36592
reside in the municipal school district but not in the municipal 36593
corporation containing the greatest portion of the district's 36594
territory. 36595

If the board members are selected by election, the board 36596
shall fill any such vacancy at its next regular or special 36597
meeting, not earlier than ten days after such vacancy occurs. A 36598
majority vote of all the remaining members of the board may fill 36599
any such vacancy. Immediately after such a vote, the treasurer of 36600
the board of education shall give written notice to the board of 36601

elections responsible for conducting elections for that school 36602
district that a vacancy has been filled, and the name of the 36603
person appointed to fill the vacancy. Each person selected by the 36604
board or probate court to fill a vacancy shall hold office for the 36605
shorter of the following periods: until the completion of the 36606
unexpired term, or until the first day of January immediately 36607
following the next regular board of education election taking 36608
place more than ninety days after a person is selected by the 36609
board or probate court to fill the vacancy. At that election, a 36610
special election to fill the vacancy shall be held in accordance 36611
with laws controlling regular elections for board of education 36612
members, except that no such special election shall be held if the 36613
unexpired term ends on or before the first day of January 36614
immediately following that regular board of education election. 36615
The term of a person chosen at a special election under this 36616
section shall begin on the first day of January immediately 36617
following the election, and the person shall serve for the 36618
remainder of the unexpired term. Whenever the need for a special 36619
election under this section becomes known, the board of education 36620
shall immediately give written notice of this fact to the board of 36621
elections responsible for conducting the regular board of 36622
education election for that school district. 36623

A vacancy in the governing board of an educational service 36624
center shall be filled according to the terms of the plan filed 36625
pursuant to division (B) of section 3311.051 of the Revised Code. 36626

The term of a board of education member shall not be 36627
lengthened by the member's resignation and subsequent selection by 36628
the board or probate court under this section. 36629

Sec. 3313.35. Notwithstanding division (D) of section 3311.19 36630
and division (D) of section 3311.52 of the Revised Code, the 36631
provisions of this section that apply to a city school district do 36632

not apply to a joint vocational or cooperative education school 36633
district unless otherwise specified. 36634

Except in city, joint vocational, and cooperative education 36635
school districts, the prosecuting attorney of the county shall be 36636
the legal adviser of all boards of education and the governing 36637
board of an educational service center in the county in which the 36638
prosecuting attorney is serving. The prosecuting attorney shall 36639
prosecute all actions against a member or officer of a board for 36640
malfeasance or misfeasance in office, and ~~he~~ the prosecuting 36641
attorney shall be the legal counsel of such boards or the officers 36642
thereof in all civil actions brought by or against them and shall 36643
conduct such actions in ~~his~~ the official capacity of prosecuting 36644
attorney. In the case of educational service centers ~~created under~~ 36645
~~section 3311.053 of the Revised Code that serve school districts~~ 36646
in more than one county, the legal adviser shall be the 36647
prosecuting attorney of the county in which the largest number of 36648
pupils ~~supervised~~ served by the governing board of the educational 36649
service center reside. In joint vocational and cooperative 36650
education school districts the legal adviser shall be the 36651
prosecuting attorney of the most populous county containing a 36652
school district which is a member of the joint vocational or 36653
cooperative education school district. When such civil action is 36654
between two or more boards in the same county, the prosecuting 36655
attorney shall not be required to act for either of them. In city 36656
school districts, the city director of law shall be the legal 36657
adviser and attorney for the board thereof, and shall perform the 36658
same services for such board as required of the prosecuting 36659
attorney for other boards of the county. Such duties shall devolve 36660
upon any official serving in a capacity similar to that of 36661
prosecuting attorney or city director of law for the territory 36662
wherein a school district is situated regardless of ~~his~~ the 36663
official's official designation. In a district which becomes a 36664
city school district pursuant to section 3311.10 of the Revised 36665

Code, the legal adviser shall be the solicitor or director of law 36666
of the largest of the municipal corporations all or a part of 36667
which is included within the school district boundaries. No 36668
compensation in addition to such officer's regular salary shall be 36669
allowed for such services. 36670

Sec. 3313.372. (A) As used in this section, "energy 36671
conservation measure" means an installation or modification of an 36672
installation in, or remodeling of, a building, to reduce energy 36673
consumption. It includes: 36674

(1) Insulation of the building structure and systems within 36675
the building; 36676

(2) Storm windows and doors, multiglazed windows and doors, 36677
heat absorbing or heat reflective glazed and coated window and 36678
door systems, additional glazing, reductions in glass area, and 36679
other window and door system modifications that reduce energy 36680
consumption; 36681

(3) Automatic energy control systems; 36682

(4) Heating, ventilating, or air conditioning system 36683
modifications or replacements; 36684

(5) Caulking and weatherstripping; 36685

(6) Replacement or modification of lighting fixtures to 36686
increase the energy efficiency of the system without increasing 36687
the overall illumination of a facility, unless such increase in 36688
illumination is necessary to conform to the applicable state or 36689
local building code for the proposed lighting system; 36690

(7) Energy recovery systems; 36691

(8) Cogeneration systems that produce steam or forms of 36692
energy such as heat, as well as electricity, for use primarily 36693
within a building or complex of buildings; 36694

(9) Any other modification, installation, or remodeling 36695
approved by the Ohio school facilities commission as an energy 36696
conservation measure. 36697

(B) A board of education of a city, exempted village, local, 36698
or joint vocational school district may enter into an installment 36699
payment contract for the purchase and installation of energy 36700
conservation measures. The provisions of such installment payment 36701
contracts dealing with interest charges and financing terms shall 36702
not be subject to the competitive bidding requirements of section 36703
3313.46 of the Revised Code, and shall be on the following terms: 36704

(1) Not less than one-fifteenth of the costs thereof shall be 36705
paid within two years from the date of purchase. 36706

(2) The remaining balance of the costs thereof shall be paid 36707
within fifteen years from the date of purchase. 36708

The provisions of any installment payment contract entered 36709
into pursuant to this section shall provide that all payments, 36710
except payments for repairs and obligations on termination of the 36711
contract prior to its expiration, be stated as a percentage of 36712
calculated energy, water, or waste water cost savings, avoided 36713
operating costs, and avoided capital costs attributable to the one 36714
or more measures over a defined period of time. Those payments 36715
shall be made only to the extent that the savings and avoided 36716
costs described in this division actually occur. 36717

An installment payment contract entered into by a board of 36718
education under this section shall require the board to contract 36719
in accordance with division (A) of section 3313.46 of the Revised 36720
Code for the installation, modification, or remodeling of energy 36721
conservation measures unless division (A) of section 3313.46 of 36722
the Revised Code does not apply pursuant to division (B)(3) of 36723
that section. 36724

(C) The board may issue the notes of the school district 36725

signed by the president and the treasurer of the board and 36726
specifying the terms of the purchase and securing the deferred 36727
payments provided in this section, payable at the times provided 36728
and bearing interest at a rate not exceeding the rate determined 36729
as provided in section 9.95 of the Revised Code. The notes may 36730
contain an option for prepayment and shall not be subject to 36731
Chapter 133. of the Revised Code. In the resolution authorizing 36732
the notes, the board may provide, without the vote of the electors 36733
of the district, for annually levying and collecting taxes in 36734
amounts sufficient to pay the interest on and retire the notes, 36735
except that the total net indebtedness of the district without a 36736
vote of the electors incurred under this and all other sections of 36737
the Revised Code, except section 3318.052 of the Revised Code, 36738
shall not exceed one per cent of the district's tax valuation. 36739
Revenues derived from local taxes or otherwise, for the purpose of 36740
conserving energy or for defraying the current operating expenses 36741
of the district, may be applied to the payment of interest and the 36742
retirement of such notes. The notes may be sold at private sale or 36743
given to the contractor under the installment payment contract 36744
authorized by division (B) of this section. 36745

(D) Debt incurred under this section shall not be included in 36746
the calculation of the net indebtedness of a school district under 36747
section 133.06 of the Revised Code. 36748

(E) No school district board shall enter into an installment 36749
payment contract under division (B) of this section unless it 36750
first obtains a report of the costs of the energy conservation 36751
measures and the savings thereof as described under division (G) 36752
of section 133.06 of the Revised Code as a requirement for issuing 36753
energy securities, makes a finding that the amount spent on such 36754
measures is not likely to exceed the amount of money it would save 36755
in energy costs and resultant operational and maintenance costs as 36756
described in that division, except that that finding shall cover 36757

the ensuing fifteen years, and the Ohio school facilities 36758
commission determines that the district board's findings are 36759
reasonable and approves the contract as described in that 36760
division. 36761

The district board shall monitor the savings and maintain a 36762
report of those savings, which shall be submitted to the 36763
commission in the same manner as required by division (G) of 36764
section 133.06 of the Revised Code in the case of energy 36765
securities. 36766

Sec. 3313.376. As used in this section, "client school 36767
district" ~~has the same meaning as in section 3317.11 of the~~ 36768
~~Revised Code~~ means a city, exempted village, or local school 36769
district that has entered into an agreement under section 3313.843 36770
or 3313.845 of the Revised Code to receive any services from an 36771
educational service center. 36772

For the purpose of obtaining quantity discounts in purchasing 36773
textbooks; computer equipment, including computer software; school 36774
buses; and natural gas, electricity, and other utility services, 36775
the governing boards of two or more educational service centers 36776
may enter into agreements, including installment purchase and 36777
lease-purchase contracts, to jointly purchase such commodities to 36778
be utilized by client school districts of the educational service 36779
centers. 36780

Sec. 3313.42. (A) When in the judgment of a board of 36781
education of any school district in this state, lying adjacent to 36782
a school district of another state, the best interests of the 36783
public schools can be promoted by purchasing school grounds, 36784
repairing or erecting a schoolhouse, and maintaining them jointly 36785
between the two adjacent school districts, the board of education 36786
of the school district of this state so situated may enter into an 36787

agreement with the school authorities of said adjacent school 36788
district for the purpose of purchasing school grounds, repairing 36789
or constructing a school building, purchasing school furniture, 36790
equipment, appliances, fuel, employing teachers, and maintaining a 36791
school. The board of education of this state may levy taxes and 36792
perform such other duties in maintaining such joint school as are 36793
otherwise provided by law for maintaining the public schools in 36794
this state. 36795

In carrying out this section the school district shall pay 36796
such proportion of the cost of purchasing school grounds, 36797
repairing or erecting a building, and in maintaining the joint 36798
school as is equitable and just in the judgment of the board of 36799
education and trustees of the two adjacent school districts. 36800

~~(B) In any school district that has entered into an agreement 36801
under division (A) of this section, the state minimum teacher 36802
salary requirements prescribed by section 3317.13 of the Revised 36803
Code do not apply if the total expenditures by the school district 36804
for teacher salaries in any school year equals or exceeds the 36805
total minimum expenditures that would have been required in that 36806
year if such minimum teacher salary requirements did apply. 36807~~

~~(C)~~ Notwithstanding sections 3319.01, 3319.02, and 3313.22 of 36808
the Revised Code, the board of education of a local school 36809
district that has entered into an agreement with an adjacent 36810
school district in another state under division (A) of this 36811
section may contract with the educational service center within 36812
which the local school district is located for the service center 36813
to provide any administrative services specified in the agreement 36814
to the local school district and the adjacent district. If such an 36815
agreement provides for the duties of a district treasurer, 36816
superintendent, or principals to be performed by the service 36817
center, the local school district is not required to employ 36818
persons to perform such duties. 36819

Sec. 3313.48. ~~(A)~~ The board of education of each city, 36820
exempted village, local, and joint vocational school district 36821
shall provide for the free education of the youth of school age 36822
within the district under its jurisdiction, at such places as will 36823
be most convenient for the attendance of the largest number 36824
thereof. ~~Except as provided in section 3313.481 of the Revised~~ 36825
~~Code, each~~ Each school so provided and each chartered nonpublic 36826
school shall be open for instruction with pupils in attendance, 36827
including scheduled classes, supervised activities, and approved 36828
education options but excluding lunch and breakfast periods and 36829
extracurricular activities, for not less than ~~one hundred~~ 36830
~~eighty-two days~~ four hundred fifty-five hours in the case of 36831
pupils in kindergarten unless such pupils are provided all-day 36832
kindergarten, as defined in section 3321.05 of the Revised Code, 36833
in which case the pupils shall be in attendance for nine hundred 36834
ten hours; nine hundred ten hours in the case of pupils in grades 36835
one through six; and one thousand one hours in the case of pupils 36836
in grades seven through twelve in each school year, which may 36837
include all of the following: 36838

~~(A)(1)~~ Up to ~~four~~ the equivalent of two school days per year 36839
~~in which classes are dismissed one-half day early or the~~ 36840
~~equivalent amount of time during a different number of days during~~ 36841
~~which pupils would otherwise be in attendance but are not required~~ 36842
~~to attend~~ for the purpose of individualized parent-teacher 36843
conferences and reporting periods; 36844

~~(B)(2)~~ Up to the equivalent of two school days per year 36845
during which pupils would otherwise be in attendance but are not 36846
required to attend for professional meetings of teachers ~~when such~~ 36847
~~days occur during a regular school week and schools are not in~~ 36848
~~session;~~ 36849

~~(C)~~ ~~The number of days the school is closed as a result of~~ 36850

~~public calamity, as provided in section 3317.01 of the Revised Code (3) Morning and afternoon recess periods of not more than fifteen minutes duration per period for pupils in grades kindergarten through six.~~

~~The state board of education shall adopt standards for defining "school day" as used in sections 3313.48 and 3317.01 of the Revised Code.~~

~~Except as otherwise provided in this section, each day for grades seven through twelve shall consist of not less than five clock hours with pupils in attendance, except in such emergency situations, including lack of classroom space, as are approved by the state board of education. Except as otherwise provided in this section, each day for grades one through six shall consist of not less than five clock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods, except in such emergency situations, including lack of classroom space, as are approved by the state board of education.~~

(B) Prior to making any change in the hours or days in which a high school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any joint vocational school district in which any of the high school's students are also enrolled. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the joint vocational school district, incentives for students to participate in career-technical education, transportation, and the timing of graduation. The board shall provide the joint vocational school district board with advance notice of the proposed change and the two boards shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of

the change. 36883

(C) Prior to making any change in the hours or days in which 36884
a school under its jurisdiction is open for instruction, the board 36885
of education of each city, exempted village, and local school 36886
district shall consider the compatibility of the proposed change 36887
with the scheduling needs of any community school established 36888
under Chapter 3314. of the Revised Code to which the district is 36889
required to transport students under sections 3314.09 and 3327.01 36890
of the Revised Code. The board shall consider the impact of the 36891
proposed change on student access to the instructional programs 36892
offered by the community school, transportation, and the timing of 36893
graduation. The board shall provide the sponsor, governing 36894
authority, and operator of the community school with advance 36895
notice of the proposed change, and the board and the governing 36896
authority, or operator if such authority is delegated to the 36897
operator, shall enter into a written agreement prescribing 36898
reasonable accommodations to meet the scheduling needs of the 36899
community school prior to implementation of the change. 36900

(D) Prior to making any change in the hours or days in which 36901
the schools under its jurisdiction are open for instruction, the 36902
board of education of each city, exempted village, and local 36903
school district shall consult with the chartered nonpublic schools 36904
to which the district is required to transport students under 36905
section 3327.01 of the Revised Code and shall consider the effect 36906
of the proposed change on the schedule for transportation of those 36907
students to their nonpublic schools. The governing authority of a 36908
chartered nonpublic school shall consult with each school district 36909
board of education that transports students to the chartered 36910
nonpublic school under section 3327.01 of the Revised Code prior 36911
to making any change in the hours or days in which the nonpublic 36912
school is open for instruction. 36913

(E) The state board of education shall not adopt or enforce 36914

any rule or standard that imposes on chartered nonpublic schools 36915
the procedural requirements imposed on school districts by 36916
divisions (B) and (C) of this section. 36917

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 36918
the term "school day" is used, unless otherwise specified, that 36919
term shall be construed to mean the time during a calendar day 36920
that a school is open for instruction pursuant to the schedule 36921
adopted by the board of education of the school district or the 36922
governing authority of the chartered nonpublic school in 36923
accordance with section 3313.48 of the Revised Code. 36924

Sec. 3313.483. (A) A board of education, upon the adoption of 36925
a resolution stating that it may be financially unable to open on 36926
the day or to remain open for instruction on all days set forth in 36927
its adopted school calendar and pay all obligated expenses, or the 36928
superintendent of public instruction upon the issuance of written 36929
notification under division (B) of section 3313.489 of the Revised 36930
Code, shall request the auditor of state to determine whether such 36931
situation exists. The auditor shall deliver a copy of each request 36932
from a board of education to the superintendent of public 36933
instruction. In the case of a school district not under a fiscal 36934
emergency pursuant to Chapter 3316. of the Revised Code the 36935
auditor shall not issue a finding under this section until written 36936
notification is received from the superintendent pursuant to 36937
section 3313.487 of the Revised Code. 36938

(B) If the auditor of state finds that the board of education 36939
has attempted to avail itself to the fullest extent authorized by 36940
law of all lawful revenue sources available to it except those 36941
authorized by section 5705.21 of the Revised Code, the auditor 36942
shall certify that finding to the superintendent of public 36943
instruction and the state board of education and shall certify the 36944
operating deficit the district will have at the end of the fiscal 36945

year if it commences or continues operating its instructional 36946
program in accordance with its adopted school calendar and pays 36947
all obligated expenses. 36948

(C) No board of education may delay the opening of its 36949
schools or close its schools for financial reasons. Upon the 36950
request of the superintendent of public instruction, the attorney 36951
general shall seek injunctive relief and any other relief required 36952
to enforce this prohibition in the court of common pleas of 36953
Franklin county. The court of common pleas of Franklin county has 36954
exclusive original jurisdiction over all such actions. 36955

(D) Upon the receipt of any certification of an operating 36956
deficit from the auditor of state, a board of education shall make 36957
application to a commercial bank, underwriter, or other 36958
prospective lender or purchaser of its obligations for a loan in 36959
an amount sufficient to enable the district to open or remain open 36960
for instruction on all days set forth in its adopted school 36961
calendar but not to exceed the amount of the deficit certified. 36962

(E)(1) Any board of education that has applied for and been 36963
denied a loan from a commercial bank, underwriter, or other 36964
prospective lender or purchaser of its obligations pursuant to 36965
division (D) of this section shall submit to the superintendent of 36966
public instruction a plan for implementing reductions in the 36967
school district's budget; apply for a loan from a commercial bank, 36968
underwriter, or other prospective lender or purchaser of its 36969
obligations in an amount not to exceed its certified deficit; and 36970
provide the superintendent such information as the superintendent 36971
requires concerning its application for such a loan. The board of 36972
education of a school district declared to be under a fiscal watch 36973
pursuant to division (A) of section 3316.03 of the Revised Code 36974
may, upon approval of the superintendent, utilize the financial 36975
plan required by section 3316.04 of the Revised Code, or 36976
applicable parts thereof, as the plan required under this 36977

division. The board of education of a school district declared to 36978
be under a fiscal emergency pursuant to division (B) of section 36979
3316.03 of the Revised Code may utilize the financial recovery 36980
plan for the district, or applicable parts thereof, as the plan 36981
required under this division. Except for the plan of a school 36982
district under a fiscal emergency, the superintendent shall 36983
evaluate, make recommendations concerning, and approve or 36984
disapprove each plan. When a plan is submitted, the superintendent 36985
shall immediately notify the members of the general assembly whose 36986
legislative districts include any or all of the territory of the 36987
school district submitting the plan. 36988

(2) The superintendent shall submit to the controlling board 36989
a copy of each plan the superintendent approves, or each plan 36990
submitted by a district under a fiscal emergency pursuant to 36991
division (B) of section 3316.03 of the Revised Code, and the 36992
general terms of each proposed loan, and shall make 36993
recommendations regarding the plan and whether a proposed loan to 36994
the board of education should be approved for payment as provided 36995
in division (E)(3) of this section. The controlling board shall 36996
approve or disapprove the plan and the proposed loan presented to 36997
it by the superintendent. In the case of a district not under a 36998
fiscal emergency pursuant to division (B) of section 3316.03 of 36999
the Revised Code, the controlling board may require a board of 37000
education to implement the superintendent's recommendations for 37001
expenditure reductions or impose other requirements. Loan 37002
repayments shall be in accordance with a schedule approved by the 37003
superintendent, except that the principal amount of the loan shall 37004
be payable in monthly, semiannual, or annual installments of 37005
principal and interest that are substantially equal principal and 37006
interest installments. Except as otherwise provided in division 37007
(E)(2) of this section, repayment shall be made no later than the 37008
fifteenth day of June of the second fiscal year following the 37009
approval of the loan. A school district with a certified deficit 37010

in excess of either twenty-five million dollars or fifteen per 37011
cent of the general fund expenditures of the district during the 37012
fiscal year shall repay the loan no later than the fifteenth day 37013
of June of the tenth fiscal year following the approval of the 37014
loan. In deciding whether to approve or disapprove a proposed 37015
loan, the controlling board shall consider the deficit certified 37016
by the auditor of state pursuant to this section. A board of 37017
education that has an outstanding loan approved pursuant to this 37018
section with a repayment date of more than two fiscal years after 37019
the date of approval of such loan may not apply for another loan 37020
with such a repayment date until the outstanding loan has been 37021
repaid. 37022

(3) If a board of education has submitted and received 37023
controlling board approval of a plan and proposed loan in 37024
accordance with this section, the superintendent of public 37025
instruction shall report to the controlling board the actual 37026
amounts loaned to the board of education. Such board of education 37027
shall request the superintendent to pay any funds the board of 37028
education would otherwise receive pursuant to Chapter 3306. of the 37029
Revised Code first directly to the holders of the board of 37030
education's notes, or an agent thereof, such amounts as are 37031
specified under the terms of the loan. Such payments shall be made 37032
only from and to the extent of money appropriated by the general 37033
assembly for purposes of such sections. No note or other 37034
obligation of the board of education under the loan constitutes an 37035
obligation nor a debt or a pledge of the faith, credit, or taxing 37036
power of the state, and the holder or owner of such note or 37037
obligation has no right to have taxes levied by the general 37038
assembly for the payment of such note or obligation, and such note 37039
or obligation shall contain a statement to that effect. 37040

(4) Pursuant to the terms of such a loan, a board of 37041
education may issue its notes in anticipation of the collection of 37042

its voted levies for current expenses or its receipt of such state funds or both. Such notes shall be issued in accordance with division (E) of section 133.10 of the Revised Code and constitute Chapter 133. securities to the extent such division and the otherwise applicable provisions of Chapter 133. of the Revised Code are not inconsistent with this section, provided that in any event sections 133.24 and 5705.21 and divisions (A), (B), (C), and (E)(2) of section 133.10 of the Revised Code do not apply to such notes.

(5) Notwithstanding section 133.36 or 3313.17, any other section of the Revised Code, or any other provision of law, a board of education that has received a loan under this section may not declare bankruptcy, so long as any portion of such loan remains unpaid.

(F) Under this section and ~~sections~~ section 3313.4810 and ~~3313.4811~~, "board of education" or "district board" includes the financial planning and supervision commission of a school district under a fiscal emergency pursuant to Chapter 3316. of the Revised Code where such commission chooses to exercise the powers and duties otherwise required of the district board of education under this section and ~~sections~~ section 3313.4810 and ~~3313.4811~~ of the Revised Code.

Sec. 3313.484. No loan shall be approved under sections 3313.483 to ~~3313.4811~~ 3313.4810 of the Revised Code after March 1, 1998.

By the last day of June each year, the department of education shall calculate and pay a subsidy to every school district that during the current fiscal year paid and was obligated to pay interest on a loan under sections 3313.483 to ~~3313.4811~~ 3313.4810 of the Revised Code in excess of two per cent simple interest. The amount of the subsidy shall equal the

difference between the amount of interest the district paid and 37074
was obligated to pay during the year and the interest that the 37075
district would have been obligated to pay if the interest rate on 37076
the loan had been two per cent per year. 37077

Sec. 3313.488. (A) Within fifteen days ~~of~~ after the date a 37078
~~board of education requests that its school district be made~~ 37079
~~subject to this section as authorized by section 3317.62 of the~~ 37080
~~Revised Code,~~ or the state board of education ~~has issued~~ issues an 37081
order under section 3313.487 of the Revised Code making a school 37082
district subject to this section, the district's board of 37083
education shall prepare a fiscal statement of expenses and 37084
expenditures for the remainder of the current fiscal year. The 37085
fiscal statement shall be submitted to the superintendent of 37086
public instruction and shall set forth all revenues to be received 37087
by the district during the remainder of the fiscal year and their 37088
sources, the expenses to be incurred by the district during the 37089
remainder of the fiscal year, the outstanding and unpaid expenses 37090
at the time the fiscal statement is prepared and the date or dates 37091
by which such expenses must be paid, and such other information as 37092
the superintendent requires to enable the superintendent to ensure 37093
that during the remainder of the fiscal year, the district will 37094
not incur any expenses that will further impair its ability to 37095
operate an instructional program that meets or exceeds the minimum 37096
standards of the state board of education and requirements of the 37097
Revised Code during the current and ensuing fiscal years with the 37098
revenue available to it from existing revenue sources. The fiscal 37099
statement shall be presented in such detail and form as the 37100
superintendent prescribes. Beginning the tenth day after the 37101
fiscal statement is submitted and for the remainder of the fiscal 37102
year, the board shall not make any expenditure of money, make any 37103
employment, purchase, or rental contract, give any order involving 37104
the expenditure of money, or increase any wage or salary schedule 37105

unless the superintendent of public instruction has approved the 37106
fiscal statement in writing and the expenditure, contract, order, 37107
or schedule has been approved in writing by the superintendent as 37108
being in conformity with the fiscal statement. 37109

Any contract or expenditure made, order given, or schedule 37110
adopted or put into effect without the written approval of the 37111
superintendent of public instruction is void, and no warrant shall 37112
be issued in payment of any amount due thereon. 37113

(B) A board of education subject to division (A) of this 37114
section shall prepare a fiscal statement of expenses and 37115
expenditures for the ensuing fiscal year. The fiscal statement 37116
shall be submitted to the superintendent of public instruction and 37117
shall set forth all revenues to be received by the district during 37118
such year and their source, the expenses to be incurred by the 37119
district during such year, the outstanding and unpaid expenses on 37120
the first day of such fiscal year, the date or dates by which such 37121
expenses must be paid, and such other information as the 37122
superintendent requires to enable the superintendent to ensure 37123
that during such year, the district will not incur any expenses 37124
that will further impair its ability to operate an instructional 37125
program that meets or exceeds the minimum standards of the state 37126
board of education and requirements of the Revised Code during 37127
such year with the revenue available to it from existing revenue 37128
sources. The fiscal statement shall be presented at the time and 37129
in such detail and form as the superintendent prescribes. During 37130
the fiscal year following the year in which a board of education 37131
first becomes subject to division (A) of this section it shall not 37132
make any expenditure of money, make any employment, purchase, or 37133
rental contract, give any order involving the expenditure of 37134
money, or increase any wage or salary schedule unless the 37135
superintendent of public instruction has approved the fiscal 37136
statement submitted under this division in writing and has 37137

approved the expenditure, contract, order, or schedule in writing 37138
as being in conformity with the fiscal statement. 37139

Any contract or expenditure made, order given, or schedule 37140
adopted or put into effect without the written approval of the 37141
superintendent of public instruction is void, and no warrant shall 37142
be issued in payment of any amount due thereon. 37143

(C) The state board of education shall examine any fiscal 37144
statement presented to and approved by the superintendent of 37145
public instruction under division (B) of this section and shall 37146
determine whether the data set forth in the fiscal statement are 37147
factual and based upon assumptions that in its judgment are 37148
reasonable expectations consistent with acceptable governmental 37149
budget and accounting practices. If the state board so determines 37150
and finds that the revenues and expenditures in the fiscal 37151
statement are in balance for the fiscal year and the fiscal 37152
statement will enable the district to operate during such year 37153
without interrupting its school calendar, it shall certify its 37154
determination and finding to the district at least thirty days 37155
prior to the beginning of the fiscal year, and the district shall 37156
thereupon cease to be subject to this section. If the state board 37157
does not make such a determination and finding, the board of 37158
education and school district are subject to this division and 37159
division (B) of this section in the ensuing fiscal year and each 37160
fiscal year thereafter until the state board makes a 37161
determination, finding, and certification under this division. 37162

(D) Any officer, employee, or other person who knowingly 37163
expends or authorizes the expenditure of any public funds or 37164
knowingly authorizes or executes any contract, order, or schedule 37165
contrary to division (A) or (B) of this section or who knowingly 37166
expends or authorizes the expenditure of any public funds on any 37167
such void contract, order, or schedule is jointly and severally 37168
liable in person and upon any official bond that the officer, 37169

employee, or other person has given to such school district to the 37170
extent of any payments on the void claim, not to exceed twenty 37171
thousand dollars. The attorney general at the written request of 37172
the superintendent of public instruction shall enforce this 37173
liability by civil action brought in any court of appropriate 37174
jurisdiction in the name of and on behalf of the school district. 37175

(E) During each month that a board of education is subject to 37176
division (A), (B), or (C) of this section, the superintendent of 37177
public instruction shall submit a report to the speaker of the 37178
house of representatives and the president of the senate on the 37179
financial condition of the school district. The report shall 37180
contain the date by which the superintendent anticipates the 37181
district will cease to be subject to such divisions, the 37182
district's plans for becoming exempt from such section, and such 37183
other information the superintendent determines appropriate or the 37184
speaker of the house of representatives or president of the senate 37185
requests. 37186

In addition to the other reports required under this 37187
division, on the thirty-first day of each school district fiscal 37188
year following a fiscal year in which a school district first 37189
becomes subject to this section, the superintendent shall submit a 37190
written report to the speaker of the house of representatives and 37191
the president of the senate. The report shall include 37192
recommendations to the general assembly for strengthening the 37193
financial condition of school districts based upon the experiences 37194
of the superintendent and the state board in exercising their 37195
powers under this section and sections 3313.483 and 3313.487 of 37196
the Revised Code. 37197

(F) This section does not apply to a school district declared 37198
to be under a fiscal emergency pursuant to division (B) of section 37199
3316.03 of the Revised Code. 37200

Sec. 3313.4810. Any school district receiving a loan under 37201
section 3313.483 ~~or 3317.64~~ of the Revised Code in excess of seven 37202
per cent of the general fund expenditures of the district during 37203
the fiscal year in which the loan is received and that has 37204
received a loan under that section within the last five years is 37205
subject to section 3313.488 of the Revised Code for the duration 37206
of the fiscal year in which the district receives the loan and 37207
during the ensuing two fiscal years. The controlling board may not 37208
relieve a school district to which this section applies from any 37209
requirements imposed under section 3313.483 ~~or 3317.64~~ of the 37210
Revised Code to implement recommendations of the superintendent of 37211
public instruction for expenditure reduction and may not modify 37212
any other requirements imposed under such section upon such a 37213
district as a condition for receiving the loan unless expressly 37214
authorized to do so by law. The superintendent of public 37215
instruction shall, among any recommendations ~~he~~ the superintendent 37216
makes for expenditure reduction under section 3313.483 ~~or 3317.63~~ 37217
of the Revised Code affecting the number of employees of a school 37218
district to which this section applies, provide wherever possible 37219
for the retention of teachers who are actually involved in the 37220
daily teaching of students in the classroom. 37221

Sec. 3313.533. (A) The board of education of a city, exempted 37222
village, or local school district may adopt a resolution to 37223
establish and maintain an alternative school in accordance with 37224
this section. The resolution shall specify, but not necessarily be 37225
limited to, all of the following: 37226

(1) The purpose of the school, which purpose shall be to 37227
serve students who are on suspension, who are having truancy 37228
problems, who are experiencing academic failure, who have a 37229
history of class disruption, who are exhibiting other academic or 37230
behavioral problems specified in the resolution, or who have been 37231

discharged or released from the custody of the department of youth services under section 5139.51 of the Revised Code; 37232 37233

(2) The grades served by the school, which may include any of grades kindergarten through twelve; 37234 37235

(3) A requirement that the school be operated in accordance with this section. The board of education adopting the resolution under division (A) of this section shall be the governing board of the alternative school. The board shall develop and implement a plan for the school in accordance with the resolution establishing the school and in accordance with this section. Each plan shall include, but not necessarily be limited to, all of the following: 37236 37237 37238 37239 37240 37241 37242

(a) Specification of the reasons for which students will be accepted for assignment to the school and any criteria for admission that are to be used by the board to approve or disapprove the assignment of students to the school; 37243 37244 37245 37246

(b) Specification of the criteria and procedures that will be used for returning students who have been assigned to the school back to the regular education program of the district; 37247 37248 37249

(c) An evaluation plan for assessing the effectiveness of the school and its educational program and reporting the results of the evaluation to the public. 37250 37251 37252

(B) Notwithstanding any provision of Title XXXIII of the Revised Code to the contrary, the alternative school plan may include any of the following: 37253 37254 37255

(1) A requirement that on each school day students must attend school or participate in other programs specified in the plan or by the chief administrative officer of the school for a period equal to the minimum school day set by the ~~state~~ board of education under section 3313.48 of the Revised Code plus any additional time required in the plan or by the chief administrative officer; 37256 37257 37258 37259 37260 37261 37262

(2) Restrictions on student participation in extracurricular or interscholastic activities; 37263
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(3) A requirement that students wear uniforms prescribed by the district board of education. 37265
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(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities. 37267
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(D) An alternative school may be established in all or part of a school building. 37273
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(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code, to establish an alternative school, the district board may join with the board of education of one or more other districts to form a joint alternative school by forming a cooperative education school district under section 3311.52 or 3311.521 of the Revised Code, or a joint educational program under section 3313.842 of the Revised Code. The authority to employ personnel or to contract with a nonprofit or for profit entity under division (C) of this section applies to any alternative school program established under this division. 37275
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(F) Any individual employed as a teacher at an alternative school operated by a nonprofit or for profit entity under this section shall be licensed and shall be subject to background checks, as described in section 3319.39 of the Revised Code, in the same manner as an individual employed by a school district. 37286
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(G) Division (G) of this section applies only to any alternative school that is operated by a nonprofit or for profit entity under contract with the school district. 37291
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(1) In addition to the specifications authorized under	37294
division (B) of this section, any plan adopted under that division	37295
for an alternative school to which division (G) of this section	37296
also applies shall include the following:	37297
(a) A description of the educational program provided at the	37298
alternative school, which shall include:	37299
(i) Provisions for the school to be configured in clusters or	37300
small learning communities;	37301
(ii) Provisions for the incorporation of education technology	37302
into the curriculum;	37303
(iii) Provisions for accelerated learning programs in reading	37304
and mathematics.	37305
(b) A method to determine the reading and mathematics level	37306
of each student assigned to the alternative school and a method to	37307
continuously monitor each student's progress in those areas. The	37308
methods employed under this division shall be aligned with the	37309
curriculum adopted by the school district board of education under	37310
section 3313.60 of the Revised Code.	37311
(c) A plan for social services to be provided at the	37312
alternative school, such as, but not limited to, counseling	37313
services, psychological support services, and enrichment programs;	37314
(d) A plan for a student's transition from the alternative	37315
school back to a school operated by the school district;	37316
(e) A requirement that the alternative school maintain	37317
financial records in a manner that is compatible with the form	37318
prescribed for school districts by the auditor of state to enable	37319
the district to comply with any rules adopted by the auditor of	37320
state.	37321
(2) Notwithstanding division (A)(2) of this section, any	37322
alternative school to which division (G) of this section applies	37323

shall include only grades six through twelve. 37324

(3) Notwithstanding anything in division (A)(3)(a) of this 37325
section to the contrary, the characteristics of students who may 37326
be assigned to an alternative school to which division (G) of this 37327
section applies shall include only disruptive and low-performing 37328
students. 37329

(H) When any district board of education determines to 37330
contract with a nonprofit or for profit entity to operate an 37331
alternative school under this section, the board shall use the 37332
procedure set forth in this division. 37333

(1) The board shall publish notice of a request for proposals 37334
in a newspaper of general circulation in the district once each 37335
week for a period of two consecutive weeks, or as provided in 37336
section 7.16 of the Revised Code, prior to the date specified by 37337
the board for receiving proposals. Notices of requests for 37338
proposals shall contain a general description of the subject of 37339
the proposed contract and the location where the request for 37340
proposals may be obtained. The request for proposals shall include 37341
all of the following information: 37342

(a) Instructions and information to respondents concerning 37343
the submission of proposals, including the name and address of the 37344
office where proposals are to be submitted; 37345

(b) Instructions regarding communications, including at least 37346
the names, titles, and telephone numbers of persons to whom 37347
questions concerning a proposal may be directed; 37348

(c) A description of the performance criteria that will be 37349
used to evaluate whether a respondent to which a contract is 37350
awarded is meeting the district's educational standards or the 37351
method by which such performance criteria will be determined; 37352

(d) Factors and criteria to be considered in evaluating 37353
proposals, the relative importance of each factor or criterion, 37354

and a description of the evaluation procedures to be followed; 37355

(e) Any terms or conditions of the proposed contract, 37356
including any requirement for a bond and the amount of such bond; 37357

(f) Documents that may be incorporated by reference into the 37358
request for proposals, provided that the request for proposals 37359
specifies where such documents may be obtained and that such 37360
documents are readily available to all interested parties. 37361

(2) After the date specified for receiving proposals, the 37362
board shall evaluate the submitted proposals and may hold 37363
discussions with any respondent to ensure a complete understanding 37364
of the proposal and the qualifications of such respondent to 37365
execute the proposed contract. Such qualifications shall include, 37366
but are not limited to, all of the following: 37367

(a) Demonstrated competence in performance of the required 37368
services as indicated by effective implementation of educational 37369
programs in reading and mathematics and at least three years of 37370
experience successfully serving a student population similar to 37371
the student population assigned to the alternative school; 37372

(b) Demonstrated performance in the areas of cost 37373
containment, the provision of educational services of a high 37374
quality, and any other areas determined by the board; 37375

(c) Whether the respondent has the resources to undertake the 37376
operation of the alternative school and to provide qualified 37377
personnel to staff the school; 37378

(d) Financial responsibility. 37379

(3) The board shall select for further review at least three 37380
proposals from respondents the board considers qualified to 37381
operate the alternative school in the best interests of the 37382
students and the district. If fewer than three proposals are 37383
submitted, the board shall select each proposal submitted. The 37384

board may cancel a request for proposals or reject all proposals 37385
at any time prior to the execution of a contract. 37386

The board may hold discussions with any of the three selected 37387
respondents to clarify or revise the provisions of a proposal or 37388
the proposed contract to ensure complete understanding between the 37389
board and the respondent of the terms under which a contract will 37390
be entered. Respondents shall be accorded fair and equal treatment 37391
with respect to any opportunity for discussion regarding 37392
clarifications or revisions. The board may terminate or 37393
discontinue any further discussion with a respondent upon written 37394
notice. 37395

(4) Upon further review of the three proposals selected by 37396
the board, the board shall award a contract to the respondent the 37397
board considers to have the most merit, taking into consideration 37398
the scope, complexity, and nature of the services to be performed 37399
by the respondent under the contract. 37400

(5) Except as provided in division (H)(6) of this section, 37401
the request for proposals, submitted proposals, and related 37402
documents shall become public records under section 149.43 of the 37403
Revised Code after the award of the contract. 37404

(6) Any respondent may request in writing that the board not 37405
disclose confidential or proprietary information or trade secrets 37406
contained in the proposal submitted by the respondent to the 37407
board. Any such request shall be accompanied by an offer of 37408
indemnification from the respondent to the board. The board shall 37409
determine whether to agree to the request and shall inform the 37410
respondent in writing of its decision. If the board agrees to 37411
nondisclosure of specified information in a proposal, such 37412
information shall not become a public record under section 149.43 37413
of the Revised Code. If the respondent withdraws its proposal at 37414
any time prior to the execution of a contract, the proposal shall 37415
not be a public record under section 149.43 of the Revised Code. 37416

(I) Upon a recommendation from the department and in 37417
accordance with section 3301.16 of the Revised Code, the state 37418
board of education may revoke the charter of any alternative 37419
school operated by a school district that violates this section. 37420

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 37421
of the Revised Code, divisions (A) to (E) of this section do not 37422
apply to any cooperative education school district established 37423
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 37424
Code. 37425

(A) The board of education of each city ~~and~~, exempted 37426
~~village, and local~~ school district, ~~the governing board of each~~ 37427
~~educational service center,~~ and the board of each cooperative 37428
education school district established, pursuant to section 37429
3311.521 of the Revised Code, shall prescribe a curriculum for all 37430
schools under ~~their~~ its control. Except as provided in division 37431
(E) of this section, in any such curriculum there shall be 37432
included the study of the following subjects: 37433

(1) The language arts, including reading, writing, spelling, 37434
oral and written English, and literature; 37435

(2) Geography, the history of the United States and of Ohio, 37436
and national, state, and local government in the United States, 37437
including a balanced presentation of the relevant contributions to 37438
society of men and women of African, Mexican, Puerto Rican, and 37439
American Indian descent as well as other ethnic and racial groups 37440
in Ohio and the United States; 37441

(3) Mathematics; 37442

(4) Natural science, including instruction in the 37443
conservation of natural resources; 37444

(5) Health education, which shall include instruction in: 37445

(a) The nutritive value of foods, including natural and 37446

organically produced foods, the relation of nutrition to health, 37447
and the use and effects of food additives; 37448

(b) The harmful effects of and legal restrictions against the 37449
use of drugs of abuse, alcoholic beverages, and tobacco; 37450

(c) Venereal disease education, except that upon written 37451
request of the student's parent or guardian, a student shall be 37452
excused from taking instruction in venereal disease education; 37453

(d) In grades kindergarten through six, instruction in 37454
personal safety and assault prevention, except that upon written 37455
request of the student's parent or guardian, a student shall be 37456
excused from taking instruction in personal safety and assault 37457
prevention; 37458

(e) In grades seven through twelve, age-appropriate 37459
instruction in dating violence prevention education, which shall 37460
include instruction in recognizing dating violence warning signs 37461
and characteristics of healthy relationships. 37462

In order to assist school districts in developing a dating 37463
violence prevention education curriculum, the department of 37464
education shall provide on its web site links to free curricula 37465
addressing dating violence prevention. 37466

If the parent or legal guardian of a student less than 37467
eighteen years of age submits to the principal of the student's 37468
school a written request to examine the dating violence prevention 37469
instruction materials used at that school, the principal, within a 37470
reasonable period of time after the request is made, shall allow 37471
the parent or guardian to examine those materials at that school. 37472

(6) Physical education; 37473

(7) The fine arts, including music; 37474

(8) First aid, including a training program in 37475
cardiopulmonary resuscitation, safety, and fire prevention, except 37476

that upon written request of the student's parent or guardian, a 37477
student shall be excused from taking instruction in 37478
cardiopulmonary resuscitation. 37479

(B) Except as provided in division (E) of this section, every 37480
school or school district shall include in the requirements for 37481
promotion from the eighth grade to the ninth grade one year's 37482
course of study of American history. A board may waive this 37483
requirement for academically accelerated students who, in 37484
accordance with procedures adopted by the board, are able to 37485
demonstrate mastery of essential concepts and skills of the eighth 37486
grade American history course of study. 37487

(C) As specified in divisions (B)(6) and (C)(6) of section 37488
3313.603 of the Revised Code, except as provided in division (E) 37489
of this section, every high school shall include in the 37490
requirements for graduation from any curriculum one-half unit each 37491
of American history and government. 37492

(D) Except as provided in division (E) of this section, basic 37493
instruction or demonstrated mastery in geography, United States 37494
history, the government of the United States, the government of 37495
the state of Ohio, local government in Ohio, the Declaration of 37496
Independence, the United States Constitution, and the Constitution 37497
of the state of Ohio shall be required before pupils may 37498
participate in courses involving the study of social problems, 37499
economics, foreign affairs, United Nations, world government, 37500
socialism, and communism. 37501

(E) For each cooperative education school district 37502
established pursuant to section 3311.521 of the Revised Code and 37503
each city, exempted village, and local school district that has 37504
territory within such a cooperative district, the curriculum 37505
adopted pursuant to divisions (A) to (D) of this section shall 37506
only include the study of the subjects that apply to the grades 37507
operated by each such school district. The curriculums for such 37508

schools, when combined, shall provide to each student of these 37509
districts all of the subjects required under divisions (A) to (D) 37510
of this section. 37511

(F) The board of education of any cooperative education 37512
school district established pursuant to divisions (A) to (C) of 37513
section 3311.52 of the Revised Code shall prescribe a curriculum 37514
for the subject areas and grade levels offered in any school under 37515
its control. 37516

(G) Upon the request of any parent or legal guardian of a 37517
student, the board of education of any school district shall 37518
permit the parent or guardian to promptly examine, with respect to 37519
the parent's or guardian's own child: 37520

(1) Any survey or questionnaire, prior to its administration 37521
to the child; 37522

(2) Any textbook, workbook, software, video, or other 37523
instructional materials being used by the district in connection 37524
with the instruction of the child; 37525

(3) Any completed and graded test taken or survey or 37526
questionnaire filled out by the child; 37527

(4) Copies of the statewide academic standards and each model 37528
curriculum developed pursuant to section 3301.079 of the Revised 37529
Code, which copies shall be available at all times during school 37530
hours in each district school building. 37531

Sec. 3313.603. (A) As used in this section: 37532

(1) "One unit" means a minimum of one hundred twenty hours of 37533
course instruction, except that for a laboratory course, "one 37534
unit" means a minimum of one hundred fifty hours of course 37535
instruction. 37536

(2) "One-half unit" means a minimum of sixty hours of course 37537
instruction, except that for physical education courses, "one-half 37538

unit" means a minimum of one hundred twenty hours of course 37539
instruction. 37540

(B) Beginning September 15, 2001, except as required in 37541
division (C) of this section and division (C) of section 3313.614 37542
of the Revised Code, the requirements for graduation from every 37543
high school shall include twenty units earned in grades nine 37544
through twelve and shall be distributed as follows: 37545

(1) English language arts, four units; 37546

(2) Health, one-half unit; 37547

(3) Mathematics, three units; 37548

(4) Physical education, one-half unit; 37549

(5) Science, two units until September 15, 2003, and three 37550
units thereafter, which at all times shall include both of the 37551
following: 37552

(a) Biological sciences, one unit; 37553

(b) Physical sciences, one unit. 37554

(6) History and government, one unit, which shall comply with 37555
division (M) of this section and shall include both of the 37556
following: 37557

(a) American history, one-half unit; 37558

(b) American government, one-half unit. 37559

(7) Social studies, two units. 37560

(8) Elective units, seven units until September 15, 2003, and 37561
six units thereafter. 37562

Each student's electives shall include at least one unit, or 37563
two half units, chosen from among the areas of 37564
business/technology, fine arts, and/or foreign language. 37565

(C) Beginning with students who enter ninth grade for the 37566

first time on or after July 1, 2010, except as provided in 37567
divisions (D) to (F) of this section, the requirements for 37568
graduation from every public and chartered nonpublic high school 37569
shall include twenty units that are designed to prepare students 37570
for the workforce and college. The units shall be distributed as 37571
follows: 37572

(1) English language arts, four units; 37573

(2) Health, one-half unit, which shall include instruction in 37574
nutrition and the benefits of nutritious foods and physical 37575
activity for overall health; 37576

(3) Mathematics, four units, which shall include one unit of 37577
algebra II or the equivalent of algebra II; 37578

(4) Physical education, one-half unit; 37579

(5) Science, three units with inquiry-based laboratory 37580
experience that engages students in asking valid scientific 37581
questions and gathering and analyzing information, which shall 37582
include the following, or their equivalent: 37583

(a) Physical sciences, one unit; 37584

(b) Life sciences, one unit; 37585

(c) Advanced study in one or more of the following sciences, 37586
one unit: 37587

(i) Chemistry, physics, or other physical science; 37588

(ii) Advanced biology or other life science; 37589

(iii) Astronomy, physical geology, or other earth or space 37590
science. 37591

(6) History and government, one unit, which shall comply with 37592
division (M) of this section and shall include both of the 37593
following: 37594

(a) American history, one-half unit; 37595

(b) American government, one-half unit. 37596

(7) Social studies, two units. 37597

Each school shall integrate the study of economics and 37598
financial literacy, as expressed in the social studies academic 37599
content standards adopted by the state board of education under 37600
division (A)(1) of section 3301.079 of the Revised Code and the 37601
academic content standards for financial literacy and 37602
entrepreneurship adopted under division (A)(2) of that section, 37603
into one or more existing social studies credits required under 37604
division (C)(7) of this section, or into the content of another 37605
class, so that every high school student receives instruction in 37606
those concepts. In developing the curriculum required by this 37607
paragraph, schools shall use available public-private partnerships 37608
and resources and materials that exist in business, industry, and 37609
through the centers for economics education at institutions of 37610
higher education in the state. 37611

(8) Five units consisting of one or any combination of 37612
foreign language, fine arts, business, career-technical education, 37613
family and consumer sciences, technology, agricultural education, 37614
a junior reserve officer training corps (JROTC) program approved 37615
by the congress of the United States under title 10 of the United 37616
States Code, or English language arts, mathematics, science, or 37617
social studies courses not otherwise required under division (C) 37618
of this section. 37619

Ohioans must be prepared to apply increased knowledge and 37620
skills in the workplace and to adapt their knowledge and skills 37621
quickly to meet the rapidly changing conditions of the 37622
twenty-first century. National studies indicate that all high 37623
school graduates need the same academic foundation, regardless of 37624
the opportunities they pursue after graduation. The goal of Ohio's 37625
system of elementary and secondary education is to prepare all 37626
students for and seamlessly connect all students to success in 37627

life beyond high school graduation, regardless of whether the next 37628
step is entering the workforce, beginning an apprenticeship, 37629
engaging in post-secondary training, serving in the military, or 37630
pursuing a college degree. 37631

The Ohio core curriculum is the standard expectation for all 37632
students entering ninth grade for the first time at a public or 37633
chartered nonpublic high school on or after July 1, 2010. A 37634
student may satisfy this expectation through a variety of methods, 37635
including, but not limited to, integrated, applied, 37636
career-technical, and traditional coursework. 37637

Whereas teacher quality is essential for student success in 37638
completing the Ohio core curriculum, the general assembly shall 37639
appropriate funds for strategic initiatives designed to strengthen 37640
schools' capacities to hire and retain highly qualified teachers 37641
in the subject areas required by the curriculum. Such initiatives 37642
are expected to require an investment of \$120,000,000 over five 37643
years. 37644

Stronger coordination between high schools and institutions 37645
of higher education is necessary to prepare students for more 37646
challenging academic endeavors and to lessen the need for academic 37647
remediation in college, thereby reducing the costs of higher 37648
education for Ohio's students, families, and the state. The state 37649
board and the chancellor of the Ohio board of regents shall 37650
develop policies to ensure that only in rare instances will 37651
students who complete the Ohio core curriculum require academic 37652
remediation after high school. 37653

School districts, community schools, and chartered nonpublic 37654
schools shall integrate technology into learning experiences 37655
across the curriculum in order to maximize efficiency, enhance 37656
learning, and prepare students for success in the 37657
technology-driven twenty-first century. Districts and schools 37658
shall use distance and web-based course delivery as a method of 37659

providing or augmenting all instruction required under this 37660
division, including laboratory experience in science. Districts 37661
and schools shall utilize technology access and electronic 37662
learning opportunities provided by the ~~eTech Ohio commission~~ 37663
chancellor, the Ohio learning network, education technology 37664
centers, public television stations, and other public and private 37665
providers. 37666

(D) Except as provided in division (E) of this section, a 37667
student who enters ninth grade on or after July 1, 2010, and 37668
before July 1, 2014, may qualify for graduation from a public or 37669
chartered nonpublic high school even though the student has not 37670
completed the Ohio core curriculum prescribed in division (C) of 37671
this section if all of the following conditions are satisfied: 37672

(1) After the student has attended high school for two years, 37673
as determined by the school, the student and the student's parent, 37674
guardian, or custodian sign and file with the school a written 37675
statement asserting the parent's, guardian's, or custodian's 37676
consent to the student's graduating without completing the Ohio 37677
core curriculum and acknowledging that one consequence of not 37678
completing the Ohio core curriculum is ineligibility to enroll in 37679
most state universities in Ohio without further coursework. 37680

(2) The student and parent, guardian, or custodian fulfill 37681
any procedural requirements the school stipulates to ensure the 37682
student's and parent's, guardian's, or custodian's informed 37683
consent and to facilitate orderly filing of statements under 37684
division (D)(1) of this section. 37685

(3) The student and the student's parent, guardian, or 37686
custodian and a representative of the student's high school 37687
jointly develop an individual career plan for the student that 37688
specifies the student matriculating to a two-year degree program, 37689
acquiring a business and industry credential, or entering an 37690
apprenticeship. 37691

(4) The student's high school provides counseling and support 37692
for the student related to the plan developed under division 37693
(D)(3) of this section during the remainder of the student's high 37694
school experience. 37695

(5) The student successfully completes, at a minimum, the 37696
curriculum prescribed in division (B) of this section. 37697

The department of education, in collaboration with the 37698
chancellor, shall analyze student performance data to determine if 37699
there are mitigating factors that warrant extending the exception 37700
permitted by division (D) of this section to high school classes 37701
beyond those entering ninth grade before July 1, 2014. The 37702
department shall submit its findings and any recommendations not 37703
later than August 1, 2014, to the speaker and minority leader of 37704
the house of representatives, the president and minority leader of 37705
the senate, the chairpersons and ranking minority members of the 37706
standing committees of the house of representatives and the senate 37707
that consider education legislation, the state board of education, 37708
and the superintendent of public instruction. 37709

(E) Each school district and chartered nonpublic school 37710
retains the authority to require an even more rigorous minimum 37711
curriculum for high school graduation than specified in division 37712
(B) or (C) of this section. A school district board of education, 37713
through the adoption of a resolution, or the governing authority 37714
of a chartered nonpublic school may stipulate any of the 37715
following: 37716

(1) A minimum high school curriculum that requires more than 37717
twenty units of academic credit to graduate; 37718

(2) An exception to the district's or school's minimum high 37719
school curriculum that is comparable to the exception provided in 37720
division (D) of this section but with additional requirements, 37721
which may include a requirement that the student successfully 37722

complete more than the minimum curriculum prescribed in division 37723
(B) of this section; 37724

(3) That no exception comparable to that provided in division 37725
(D) of this section is available. 37726

(F) A student enrolled in a dropout prevention and recovery 37727
program, which program has received a waiver from the department, 37728
may qualify for graduation from high school by successfully 37729
completing a competency-based instructional program administered 37730
by the dropout prevention and recovery program in lieu of 37731
completing the Ohio core curriculum prescribed in division (C) of 37732
this section. The department shall grant a waiver to a dropout 37733
prevention and recovery program, within sixty days after the 37734
program applies for the waiver, if the program meets all of the 37735
following conditions: 37736

(1) The program serves only students not younger than sixteen 37737
years of age and not older than twenty-one years of age. 37738

(2) The program enrolls students who, at the time of their 37739
initial enrollment, either, or both, are at least one grade level 37740
behind their cohort age groups or experience crises that 37741
significantly interfere with their academic progress such that 37742
they are prevented from continuing their traditional programs. 37743

(3) The program requires students to attain at least the 37744
applicable score designated for each of the assessments prescribed 37745
under division (B)(1) of section 3301.0710 of the Revised Code or, 37746
to the extent prescribed by rule of the state board under division 37747
(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) 37748
of that section. 37749

(4) The program develops an individual career plan for the 37750
student that specifies the student's matriculating to a two-year 37751
degree program, acquiring a business and industry credential, or 37752
entering an apprenticeship. 37753

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative

education school district, or the governing authority of the 37785
chartered nonpublic school as meeting the high school curriculum 37786
requirements. 37787

Each high school shall record on the student's high school 37788
transcript all high school credit awarded under division (G) of 37789
this section. In addition, if the student completed a seventh- or 37790
eighth-grade fine arts course described in division (K) of this 37791
section and the course qualified for high school credit under that 37792
division, the high school shall record that course on the 37793
student's high school transcript. 37794

(H) The department shall make its individual academic career 37795
plan available through its Ohio career information system web site 37796
for districts and schools to use as a tool for communicating with 37797
and providing guidance to students and families in selecting high 37798
school courses. 37799

(I) Units earned in English language arts, mathematics, 37800
science, and social studies that are delivered through integrated 37801
academic and career-technical instruction are eligible to meet the 37802
graduation requirements of division (B) or (C) of this section. 37803

(J) The state board, in consultation with the chancellor, 37804
shall adopt a statewide plan implementing methods for students to 37805
earn units of high school credit based on a demonstration of 37806
subject area competency, instead of or in combination with 37807
completing hours of classroom instruction. The state board shall 37808
adopt the plan not later than March 31, 2009, and commence phasing 37809
in the plan during the 2009-2010 school year. The plan shall 37810
include a standard method for recording demonstrated proficiency 37811
on high school transcripts. Each school district and community 37812
school shall comply with the state board's plan adopted under this 37813
division and award units of high school credit in accordance with 37814
the plan. The state board may adopt existing methods for earning 37815
high school credit based on a demonstration of subject area 37816

competency as necessary prior to the 2009-2010 school year. 37817

(K) This division does not apply to students who qualify for 37818
graduation from high school under division (D) or (F) of this 37819
section, or to students pursuing a career-technical instructional 37820
track as determined by the school district board of education or 37821
the chartered nonpublic school's governing authority. 37822
Nevertheless, the general assembly encourages such students to 37823
consider enrolling in a fine arts course as an elective. 37824

Beginning with students who enter ninth grade for the first 37825
time on or after July 1, 2010, each student enrolled in a public 37826
or chartered nonpublic high school shall complete two semesters or 37827
the equivalent of fine arts to graduate from high school. The 37828
coursework may be completed in any of grades seven to twelve. Each 37829
student who completes a fine arts course in grade seven or eight 37830
may elect to count that course toward the five units of electives 37831
required for graduation under division (C)(8) of this section, if 37832
the course satisfied the requirements of division (G) of this 37833
section. In that case, the high school shall award the student 37834
high school credit for the course and count the course toward the 37835
five units required under division (C)(8) of this section. If the 37836
course in grade seven or eight did not satisfy the requirements of 37837
division (G) of this section, the high school shall not award the 37838
student high school credit for the course but shall count the 37839
course toward the two semesters or the equivalent of fine arts 37840
required by this division. 37841

(L) Notwithstanding anything to the contrary in this section, 37842
the board of education of each school district and the governing 37843
authority of each chartered nonpublic school may adopt a policy to 37844
excuse from the high school physical education requirement each 37845
student who, during high school, has participated in 37846
interscholastic athletics, marching band, or cheerleading for at 37847
least two full seasons or in the junior reserve officer training 37848

corps for at least two full school years. If the board or 37849
authority adopts such a policy, the board or authority shall not 37850
require the student to complete any physical education course as a 37851
condition to graduate. However, the student shall be required to 37852
complete one-half unit, consisting of at least sixty hours of 37853
instruction, in another course of study. In the case of a student 37854
who has participated in the junior reserve officer training corps 37855
for at least two full school years, credit received for that 37856
participation may be used to satisfy the requirement to complete 37857
one-half unit in another course of study. 37858

(M) It is important that high school students learn and 37859
understand United States history and the governments of both the 37860
United States and the state of Ohio. Therefore, beginning with 37861
students who enter ninth grade for the first time on or after July 37862
1, 2012, the study of American history and American government 37863
required by divisions (B)(6) and (C)(6) of this section shall 37864
include the study of all of the following documents: 37865

(1) The Declaration of Independence; 37866

(2) The Northwest Ordinance; 37867

(3) The Constitution of the United States with emphasis on 37868
the Bill of Rights; 37869

(4) The Ohio Constitution. 37870

The study of each of the documents prescribed in divisions 37871
(M)(1) to (4) of this section shall include study of that document 37872
in its original context. 37873

The study of American history and government required by 37874
divisions (B)(6) and (C)(6) of this section shall include the 37875
historical evidence of the role of documents such as the 37876
Federalist Papers and the Anti-Federalist Papers to firmly 37877
establish the historical background leading to the establishment 37878
of the provisions of the Constitution and Bill of Rights. 37879

Sec. 3313.6013. (A) As used in this section, "~~dual enrollment~~ advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. ~~Dual enrollment~~ Advanced standing programs may include any of the following:

(1) The ~~post-secondary enrollment options~~ college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) ~~Any similar program established pursuant to an agreement between a school district or chartered nonpublic high school and an institution of higher education~~ International baccalaureate program credits.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in ~~a dual enrollment~~ an advanced standing program. For this purpose, each ~~school~~ district ~~and chartered nonpublic high~~ or school shall offer at least one ~~dual enrollment~~ advanced standing program ~~in accordance with division (B)(1) or (2) of this section, as applicable.~~

~~(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the post-secondary enrollment options program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer any other dual enrollment program, in addition to the post-secondary enrollment options program, and each joint vocational school~~

~~district shall offer at least one other dual enrollment program, 37911
to students in good standing, as defined by the partnership for 37912
continued learning under section 3301.42 of the Revised Code as it 37913
existed prior to October 16, 2009, or as subsequently defined by 37914
the department of education. 37915~~

~~(2) A chartered nonpublic high school that elects to 37916
participate in the post-secondary enrollment options program 37917
established under Chapter 3365. of the Revised Code meets the 37918
requirements of this division. Each chartered nonpublic high 37919
school that elects not to participate in the post-secondary 37920
enrollment options program instead shall offer at least one other 37921
dual enrollment program to students in good standing, as defined 37922
by the partnership for continued learning under section 3301.42 of 37923
the Revised Code as it existed prior to October 16, 2009, or as 37924
subsequently defined by the department of education. 37925~~

(C) Each school district and each chartered nonpublic high 37926
school shall provide information about the ~~dual enrollment~~ 37927
advanced standing programs offered by the district or school to 37928
all students enrolled in grades eight through eleven. 37929

Sec. 3313.6016. (A) Beginning in the 2011-2012 school year, 37930
the department of education shall administer a pilot program 37931
requiring daily physical activity for students. Any school 37932
district; community school established under Chapter 3314. of the 37933
Revised Code; science, technology, engineering, and mathematics 37934
school established under Chapter 3326. of the Revised Code; or 37935
chartered nonpublic school annually may elect to participate in 37936
the pilot program by notifying the department of its interest by a 37937
date established by the department. If a school district elects to 37938
participate in the pilot program, each school building operated by 37939
the district shall be required to participate. To the maximum 37940
extent possible, the department shall seek to include in the pilot 37941

program districts and schools that are located in urban, suburban, 37942
and rural areas distributed geographically throughout the state. 37943
The department shall administer the pilot program in accordance 37944
with this section. 37945

(B) Except as provided in division (C) of this section, each 37946
district or school participating in the pilot program shall 37947
require all students in each of grades kindergarten through twelve 37948
to engage in at least thirty minutes of moderate to rigorous 37949
physical activity each school day, exclusive of recess. Physical 37950
activity engaged in during the following may count toward the 37951
daily requirement: 37952

(1) A physical education course; 37953

(2) A program or activity occurring before or after the 37954
regular school day, as defined in section 3313.814 of the Revised 37955
Code, that is sponsored or approved by the school of attendance, 37956
provided school officials are able to monitor students' 37957
participation to ensure compliance with the requirement. 37958

(C) None of the following shall be subject to the requirement 37959
of division (B) of this section: 37960

(1) Any student enrolled in the ~~post-secondary enrollment~~ 37961
~~options~~ college credit plus program established under Chapter 37962
3365. of the Revised Code; 37963

(2) Any student enrolled in a career-technical education 37964
program operated by the district or school; 37965

(3) Any student enrolled in a dropout prevention and recovery 37966
program operated by the district or school. 37967

(D) For any period in which a student is participating in 37968
interscholastic athletics, marching band, cheerleading, or a 37969
junior reserve officer training corps program, the district or 37970
school may excuse the student from the requirement of division (B) 37971

of this section. 37972

(E) The district or school may excuse any kindergarten 37973
student who is not enrolled in all-day kindergarten, as defined in 37974
section 3321.05 of the Revised Code, from the requirement of 37975
division (B) of this section. 37976

(F) Each district or school annually shall report to the 37977
department, in the manner prescribed by the department, how the 37978
district or school implemented the thirty minutes of daily 37979
physical activity and the financial costs of implementation. The 37980
department shall issue an annual report of the data collected 37981
under this division. 37982

Sec. 3313.62. The school year shall begin on the first day of 37983
July of each calendar year and close on the thirtieth day of June 37984
of the succeeding calendar year. ~~A school week shall consist of~~ 37985
~~five days, and a school month of four school weeks.~~ A chartered 37986
nonpublic school may be open for instruction with pupils in 37987
attendance on any day of the week, including Saturday or Sunday. 37988

Sec. 3313.64. (A) As used in this section and in section 37989
3313.65 of the Revised Code: 37990

(1)(a) Except as provided in division (A)(1)(b) of this 37991
section, "parent" means either parent, unless the parents are 37992
separated or divorced or their marriage has been dissolved or 37993
annulled, in which case "parent" means the parent who is the 37994
residential parent and legal custodian of the child. When a child 37995
is in the legal custody of a government agency or a person other 37996
than the child's natural or adoptive parent, "parent" means the 37997
parent with residual parental rights, privileges, and 37998
responsibilities. When a child is in the permanent custody of a 37999
government agency or a person other than the child's natural or 38000
adoptive parent, "parent" means the parent who was divested of 38001

parental rights and responsibilities for the care of the child and 38002
the right to have the child live with the parent and be the legal 38003
custodian of the child and all residual parental rights, 38004
privileges, and responsibilities. 38005

(b) When a child is the subject of a power of attorney 38006
executed under sections 3109.51 to 3109.62 of the Revised Code, 38007
"parent" means the grandparent designated as attorney in fact 38008
under the power of attorney. When a child is the subject of a 38009
caretaker authorization affidavit executed under sections 3109.64 38010
to 3109.73 of the Revised Code, "parent" means the grandparent 38011
that executed the affidavit. 38012

(2) "Legal custody," "permanent custody," and "residual 38013
parental rights, privileges, and responsibilities" have the same 38014
meanings as in section 2151.011 of the Revised Code. 38015

(3) "School district" or "district" means a city, local, or 38016
exempted village school district and excludes any school operated 38017
in an institution maintained by the department of youth services. 38018

(4) Except as used in division (C)(2) of this section, "home" 38019
means a home, institution, foster home, group home, or other 38020
residential facility in this state that receives and cares for 38021
children, to which any of the following applies: 38022

(a) The home is licensed, certified, or approved for such 38023
purpose by the state or is maintained by the department of youth 38024
services. 38025

(b) The home is operated by a person who is licensed, 38026
certified, or approved by the state to operate the home for such 38027
purpose. 38028

(c) The home accepted the child through a placement by a 38029
person licensed, certified, or approved to place a child in such a 38030
home by the state. 38031

(d) The home is a children's home created under section 38032
5153.21 or 5153.36 of the Revised Code. 38033

(5) "Agency" means all of the following: 38034

(a) A public children services agency; 38035

(b) An organization that holds a certificate issued by the 38036
Ohio department of job and family services in accordance with the 38037
requirements of section 5103.03 of the Revised Code and assumes 38038
temporary or permanent custody of children through commitment, 38039
agreement, or surrender, and places children in family homes for 38040
the purpose of adoption; 38041

(c) Comparable agencies of other states or countries that 38042
have complied with applicable requirements of section 2151.39 of 38043
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 38044
5103.23 to 5103.237 of the Revised Code. 38045

(6) A child is placed for adoption if either of the following 38046
occurs: 38047

(a) An agency to which the child has been permanently 38048
committed or surrendered enters into an agreement with a person 38049
pursuant to section 5103.16 of the Revised Code for the care and 38050
adoption of the child. 38051

(b) The child's natural parent places the child pursuant to 38052
section 5103.16 of the Revised Code with a person who will care 38053
for and adopt the child. 38054

(7) "Preschool child with a disability" has the same meaning 38055
as in section 3323.01 of the Revised Code. 38056

(8) "Child," unless otherwise indicated, includes preschool 38057
children with disabilities. 38058

(9) "Active duty" means active duty pursuant to an executive 38059
order of the president of the United States, an act of the 38060
congress of the United States, or section 5919.29 or 5923.21 of 38061

the Revised Code. 38062

(B) Except as otherwise provided in section 3321.01 of the 38063
Revised Code for admittance to kindergarten and first grade, a 38064
child who is at least five but under twenty-two years of age and 38065
any preschool child with a disability shall be admitted to school 38066
as provided in this division. 38067

(1) A child shall be admitted to the schools of the school 38068
district in which the child's parent resides. 38069

(2) A Except as provided in division (B) of section 2151.362 38070
and section 3317.30 of the Revised Code, a child who does not 38071
reside in the district where the child's parent resides shall be 38072
admitted to the schools of the district in which the child resides 38073
if any of the following applies: 38074

(a) The child is in the legal or permanent custody of a 38075
government agency or a person other than the child's natural or 38076
adoptive parent. 38077

(b) The child resides in a home. 38078

(c) The child requires special education. 38079

(3) A child who is not entitled under division (B)(2) of this 38080
section to be admitted to the schools of the district where the 38081
child resides and who is residing with a resident of this state 38082
with whom the child has been placed for adoption shall be admitted 38083
to the schools of the district where the child resides unless 38084
either of the following applies: 38085

(a) The placement for adoption has been terminated. 38086

(b) Another school district is required to admit the child 38087
under division (B)(1) of this section. 38088

Division (B) of this section does not prohibit the board of 38089
education of a school district from placing a child with a 38090
disability who resides in the district in a special education 38091

program outside of the district or its schools in compliance with 38092
Chapter 3323. of the Revised Code. 38093

(C) A district shall not charge tuition for children admitted 38094
under division (B)(1) or (3) of this section. If the district 38095
admits a child under division (B)(2) of this section, tuition 38096
shall be paid to the district that admits the child as provided in 38097
divisions (C)(1) to (3) of this section, unless division (C)(4) of 38098
this section applies to the child: 38099

(1) If the child receives special education in accordance 38100
with Chapter 3323. of the Revised Code, the school district of 38101
residence, as defined in section 3323.01 of the Revised Code, 38102
shall pay tuition for the child in accordance with section 38103
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 38104
regardless of who has custody of the child or whether the child 38105
resides in a home. 38106

(2) For a child that does not receive special education in 38107
accordance with Chapter 3323. of the Revised Code, except as 38108
otherwise provided in division (C)(2)(d) of this section, if the 38109
child is in the permanent or legal custody of a government agency 38110
or person other than the child's parent, tuition shall be paid by: 38111

(a) The district in which the child's parent resided at the 38112
time the court removed the child from home or at the time the 38113
court vested legal or permanent custody of the child in the person 38114
or government agency, whichever occurred first; 38115

(b) If the parent's residence at the time the court removed 38116
the child from home or placed the child in the legal or permanent 38117
custody of the person or government agency is unknown, tuition 38118
shall be paid by the district in which the child resided at the 38119
time the child was removed from home or placed in legal or 38120
permanent custody, whichever occurred first; 38121

(c) If a school district cannot be established under division 38122

(C)(2)(a) or (b) of this section, tuition shall be paid by the 38123
district determined as required by section 2151.362 of the Revised 38124
Code by the court at the time it vests custody of the child in the 38125
person or government agency; 38126

(d) If at the time the court removed the child from home or 38127
vested legal or permanent custody of the child in the person or 38128
government agency, whichever occurred first, one parent was in a 38129
residential or correctional facility or a juvenile residential 38130
placement and the other parent, if living and not in such a 38131
facility or placement, was not known to reside in this state, 38132
tuition shall be paid by the district determined under division 38133
(D) of section 3313.65 of the Revised Code as the district 38134
required to pay any tuition while the parent was in such facility 38135
or placement; 38136

(e) If the department of education has determined, pursuant 38137
to division (A)(2) of section 2151.362 of the Revised Code, that a 38138
school district other than the one named in the court's initial 38139
order, or in a prior determination of the department, is 38140
responsible to bear the cost of educating the child, the district 38141
so determined shall be responsible for that cost. 38142

(3) If the child is not in the permanent or legal custody of 38143
a government agency or person other than the child's parent and 38144
the child resides in a home, tuition shall be paid by one of the 38145
following: 38146

(a) The school district in which the child's parent resides; 38147

(b) If the child's parent is not a resident of this state, 38148
the home in which the child resides. 38149

(4) Division (C)(4) of this section applies to any child who 38150
is admitted to a school district under division (B)(2) of this 38151
section, resides in a home that is not a foster home ~~or~~, a home 38152
maintained by the department of youth services, a detention 38153

facility established under section 2152.41 of the Revised Code, or 38154
a juvenile facility established under section 2151.65 of the 38155
Revised Code, receives educational services at the home or 38156
facility in which the child resides pursuant to a contract between 38157
the home or facility and the school district providing those 38158
services, and does not receive special education. 38159

In the case of a child to which division (C)(4) of this 38160
section applies, the total educational cost to be paid for the 38161
child shall be determined by a formula approved by the department 38162
of education, which formula shall be designed to calculate a per 38163
diem cost for the educational services provided to the child for 38164
each day the child is served and shall reflect the total actual 38165
cost incurred in providing those services. The department shall 38166
certify the total educational cost to be paid for the child to 38167
both the school district providing the educational services and, 38168
if different, the school district that is responsible to pay 38169
tuition for the child. The department shall deduct the certified 38170
amount from the state basic aid funds payable under Chapter 3317. 38171
of the Revised Code to the district responsible to pay tuition and 38172
shall pay that amount to the district providing the educational 38173
services to the child. 38174

(D) Tuition required to be paid under divisions (C)(2) and 38175
(3)(a) of this section shall be computed in accordance with 38176
section 3317.08 of the Revised Code. Tuition required to be paid 38177
under division (C)(3)(b) of this section shall be computed in 38178
accordance with section 3317.081 of the Revised Code. If a home 38179
fails to pay the tuition required by division (C)(3)(b) of this 38180
section, the board of education providing the education may 38181
recover in a civil action the tuition and the expenses incurred in 38182
prosecuting the action, including court costs and reasonable 38183
attorney's fees. If the prosecuting attorney or city director of 38184
law represents the board in such action, costs and reasonable 38185

attorney's fees awarded by the court, based upon the prosecuting 38186
attorney's, director's, or one of their designee's time spent 38187
preparing and presenting the case, shall be deposited in the 38188
county or city general fund. 38189

(E) A board of education may enroll a child free of any 38190
tuition obligation for a period not to exceed sixty days, on the 38191
sworn statement of an adult resident of the district that the 38192
resident has initiated legal proceedings for custody of the child. 38193

(F) In the case of any individual entitled to attend school 38194
under this division, no tuition shall be charged by the school 38195
district of attendance and no other school district shall be 38196
required to pay tuition for the individual's attendance. 38197
Notwithstanding division (B), (C), or (E) of this section: 38198

(1) All persons at least eighteen but under twenty-two years 38199
of age who live apart from their parents, support themselves by 38200
their own labor, and have not successfully completed the high 38201
school curriculum or the individualized education program 38202
developed for the person by the high school pursuant to section 38203
3323.08 of the Revised Code, are entitled to attend school in the 38204
district in which they reside. 38205

(2) Any child under eighteen years of age who is married is 38206
entitled to attend school in the child's district of residence. 38207

(3) A child is entitled to attend school in the district in 38208
which either of the child's parents is employed if the child has a 38209
medical condition that may require emergency medical attention. 38210
The parent of a child entitled to attend school under division 38211
(F)(3) of this section shall submit to the board of education of 38212
the district in which the parent is employed a statement from the 38213
child's physician certifying that the child's medical condition 38214
may require emergency medical attention. The statement shall be 38215
supported by such other evidence as the board may require. 38216

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the

location indicated in the parent's statement. 38248

(7) A child under the age of twenty-two years residing with a 38249
parent who has a contract to purchase a house in a school district 38250
outside the district where the parent is residing and who is 38251
waiting upon the date of closing of the mortgage loan for the 38252
purchase of such house is entitled to attend school for a period 38253
of time in the district where the house is being purchased. In 38254
order to be entitled to such attendance, the parent shall provide 38255
the district superintendent with the following: 38256

(a) A sworn statement explaining the situation, revealing the 38257
location of the house being purchased, and stating the parent's 38258
intent to reside there; 38259

(b) A statement from a real estate broker or bank officer 38260
confirming that the parent has a contract to purchase the house, 38261
that the parent is waiting upon the date of closing of the 38262
mortgage loan, and that the house is at the location indicated in 38263
the parent's statement. 38264

The district superintendent shall establish a period of time 38265
not to exceed ninety days during which the child entitled to 38266
attend school under division (F)(6) or (7) of this section may 38267
attend without tuition obligation. A student attending a school 38268
under division (F)(6) or (7) of this section shall be eligible to 38269
participate in interscholastic athletics under the auspices of 38270
that school, provided the board of education of the school 38271
district where the student's parent resides, by a formal action, 38272
releases the student to participate in interscholastic athletics 38273
at the school where the student is attending, and provided the 38274
student receives any authorization required by a public agency or 38275
private organization of which the school district is a member 38276
exercising authority over interscholastic sports. 38277

(8) A child whose parent is a full-time employee of a city, 38278

local, or exempted village school district, or of an educational 38279
service center, may be admitted to the schools of the district 38280
where the child's parent is employed, or in the case of a child 38281
whose parent is employed by an educational service center, in the 38282
district that serves the location where the parent's job is 38283
primarily located, provided the district board of education 38284
establishes such an admission policy by resolution adopted by a 38285
majority of its members. Any such policy shall take effect on the 38286
first day of the school year and the effective date of any 38287
amendment or repeal may not be prior to the first day of the 38288
subsequent school year. The policy shall be uniformly applied to 38289
all such children and shall provide for the admission of any such 38290
child upon request of the parent. No child may be admitted under 38291
this policy after the first day of classes of any school year. 38292

(9) A child who is with the child's parent under the care of 38293
a shelter for victims of domestic violence, as defined in section 38294
3113.33 of the Revised Code, is entitled to attend school free in 38295
the district in which the child is with the child's parent, and no 38296
other school district shall be required to pay tuition for the 38297
child's attendance in that school district. 38298

The enrollment of a child in a school district under this 38299
division shall not be denied due to a delay in the school 38300
district's receipt of any records required under section 3313.672 38301
of the Revised Code or any other records required for enrollment. 38302
Any days of attendance and any credits earned by a child while 38303
enrolled in a school district under this division shall be 38304
transferred to and accepted by any school district in which the 38305
child subsequently enrolls. The state board of education shall 38306
adopt rules to ensure compliance with this division. 38307

(10) Any child under the age of twenty-two years whose parent 38308
has moved out of the school district after the commencement of 38309
classes in the child's senior year of high school is entitled, 38310

subject to the approval of that district board, to attend school 38311
in the district in which the child attended school at the time of 38312
the parental move for the remainder of the school year and for one 38313
additional semester or equivalent term. A district board may also 38314
adopt a policy specifying extenuating circumstances under which a 38315
student may continue to attend school under division (F)(10) of 38316
this section for an additional period of time in order to 38317
successfully complete the high school curriculum for the 38318
individualized education program developed for the student by the 38319
high school pursuant to section 3323.08 of the Revised Code. 38320

(11) As used in this division, "grandparent" means a parent 38321
of a parent of a child. A child under the age of twenty-two years 38322
who is in the custody of the child's parent, resides with a 38323
grandparent, and does not require special education is entitled to 38324
attend the schools of the district in which the child's 38325
grandparent resides, provided that, prior to such attendance in 38326
any school year, the board of education of the school district in 38327
which the child's grandparent resides and the board of education 38328
of the school district in which the child's parent resides enter 38329
into a written agreement specifying that good cause exists for 38330
such attendance, describing the nature of this good cause, and 38331
consenting to such attendance. 38332

In lieu of a consent form signed by a parent, a board of 38333
education may request the grandparent of a child attending school 38334
in the district in which the grandparent resides pursuant to 38335
division (F)(11) of this section to complete any consent form 38336
required by the district, including any authorization required by 38337
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 38338
Code. Upon request, the grandparent shall complete any consent 38339
form required by the district. A school district shall not incur 38340
any liability solely because of its receipt of a consent form from 38341
a grandparent in lieu of a parent. 38342

Division (F)(11) of this section does not create, and shall
not be construed as creating, a new cause of action or substantive
legal right against a school district, a member of a board of
education, or an employee of a school district. This section does
not affect, and shall not be construed as affecting, any
immunities from defenses to tort liability created or recognized
by Chapter 2744. of the Revised Code for a school district,
member, or employee.

(12) A child under the age of twenty-two years is entitled to
attend school in a school district other than the district in
which the child is entitled to attend school under division (B),
(C), or (E) of this section provided that, prior to such
attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is
entitled to attend school under division (B), (C), or (E) of this
section contacts the superintendent of another district for
purposes of this division;

(b) The superintendents of both districts enter into a
written agreement that consents to the attendance and specifies
that the purpose of such attendance is to protect the student's
physical or mental well-being or to deal with other extenuating
circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a
student who is not receiving special education under Chapter 3323.
of the Revised Code and notwithstanding Chapter 3327. of the
Revised Code, the board of education of neither school district
involved in the agreement is required to provide transportation
for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this
division shall be allowed to participate in all student
activities, including interscholastic athletics, at the school

where the student is attending on the same basis as any student 38374
who has always attended the schools of that district while of 38375
compulsory school age. 38376

(13) All school districts shall comply with the 38377
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 38378
seq., for the education of homeless children. Each city, local, 38379
and exempted village school district shall comply with the 38380
requirements of that act governing the provision of a free, 38381
appropriate public education, including public preschool, to each 38382
homeless child. 38383

When a child loses permanent housing and becomes a homeless 38384
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 38385
such a homeless person changes temporary living arrangements, the 38386
child's parent or guardian shall have the option of enrolling the 38387
child in either of the following: 38388

(a) The child's school of origin, as defined in 42 U.S.C.A. 38389
11432(g)(3)(C); 38390

(b) The school that is operated by the school district in 38391
which the shelter where the child currently resides is located and 38392
that serves the geographic area in which the shelter is located. 38393

(14) A child under the age of twenty-two years who resides 38394
with a person other than the child's parent is entitled to attend 38395
school in the school district in which that person resides if both 38396
of the following apply: 38397

(a) That person has been appointed, through a military power 38398
of attorney executed under section 574(a) of the "National Defense 38399
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 38400
U.S.C. 1044b, or through a comparable document necessary to 38401
complete a family care plan, as the parent's agent for the care, 38402
custody, and control of the child while the parent is on active 38403
duty as a member of the national guard or a reserve unit of the 38404

armed forces of the United States or because the parent is a 38405
member of the armed forces of the United States and is on a duty 38406
assignment away from the parent's residence. 38407

(b) The military power of attorney or comparable document 38408
includes at least the authority to enroll the child in school. 38409

The entitlement to attend school in the district in which the 38410
parent's agent under the military power of attorney or comparable 38411
document resides applies until the end of the school year in which 38412
the military power of attorney or comparable document expires. 38413

(G) A board of education, after approving admission, may 38414
waive tuition for students who will temporarily reside in the 38415
district and who are either of the following: 38416

(1) Residents or domiciliaries of a foreign nation who 38417
request admission as foreign exchange students; 38418

(2) Residents or domiciliaries of the United States but not 38419
of Ohio who request admission as participants in an exchange 38420
program operated by a student exchange organization. 38421

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 38422
3327.04, and 3327.06 of the Revised Code, a child may attend 38423
school or participate in a special education program in a school 38424
district other than in the district where the child is entitled to 38425
attend school under division (B) of this section. 38426

(I)(1) Notwithstanding anything to the contrary in this 38427
section or section 3313.65 of the Revised Code, a child under 38428
twenty-two years of age may attend school in the school district 38429
in which the child, at the end of the first full week of October 38430
of the school year, was entitled to attend school as otherwise 38431
provided under this section or section 3313.65 of the Revised 38432
Code, if at that time the child was enrolled in the schools of the 38433
district but since that time the child or the child's parent has 38434
relocated to a new address located outside of that school district 38435

and within the same county as the child's or parent's address 38436
immediately prior to the relocation. The child may continue to 38437
attend school in the district, and at the school to which the 38438
child was assigned at the end of the first full week of October of 38439
the current school year, for the balance of the school year. 38440
Division (I)(1) of this section applies only if both of the 38441
following conditions are satisfied: 38442

(a) The board of education of the school district in which 38443
the child was entitled to attend school at the end of the first 38444
full week in October and of the district to which the child or 38445
child's parent has relocated each has adopted a policy to enroll 38446
children described in division (I)(1) of this section. 38447

(b) The child's parent provides written notification of the 38448
relocation outside of the school district to the superintendent of 38449
each of the two school districts. 38450

(2) At the beginning of the school year following the school 38451
year in which the child or the child's parent relocated outside of 38452
the school district as described in division (I)(1) of this 38453
section, the child is not entitled to attend school in the school 38454
district under that division. 38455

(3) Any person or entity owing tuition to the school district 38456
on behalf of the child at the end of the first full week in 38457
October, as provided in division (C) of this section, shall 38458
continue to owe such tuition to the district for the child's 38459
attendance under division (I)(1) of this section for the lesser of 38460
the balance of the school year or the balance of the time that the 38461
child attends school in the district under division (I)(1) of this 38462
section. 38463

(4) A pupil who may attend school in the district under 38464
division (I)(1) of this section shall be entitled to 38465
transportation services pursuant to an agreement between the 38466

district and the district in which the child or child's parent has 38467
relocated unless the districts have not entered into such 38468
agreement, in which case the child shall be entitled to 38469
transportation services in the same manner as a pupil attending 38470
school in the district under interdistrict open enrollment as 38471
described in division (H) of section 3313.981 of the Revised Code, 38472
regardless of whether the district has adopted an open enrollment 38473
policy as described in division (B)(1)(b) or (c) of section 38474
3313.98 of the Revised Code. 38475

(J) This division does not apply to a child receiving special 38476
education. 38477

A school district required to pay tuition pursuant to 38478
division (C)(2) or (3) of this section or section 3313.65 of the 38479
Revised Code shall have an amount deducted under division (C) of 38480
section 3317.023 of the Revised Code equal to its own tuition rate 38481
for the same period of attendance. A school district entitled to 38482
receive tuition pursuant to division (C)(2) or (3) of this section 38483
or section 3313.65 of the Revised Code shall have an amount 38484
credited under division (C) of section 3317.023 of the Revised 38485
Code equal to its own tuition rate for the same period of 38486
attendance. If the tuition rate credited to the district of 38487
attendance exceeds the rate deducted from the district required to 38488
pay tuition, the department of education shall pay the district of 38489
attendance the difference from amounts deducted from all 38490
districts' payments under division (C) of section 3317.023 of the 38491
Revised Code but not credited to other school districts under such 38492
division and from appropriations made for such purpose. The 38493
treasurer of each school district shall, by the fifteenth day of 38494
January and July, furnish the superintendent of public instruction 38495
a report of the names of each child who attended the district's 38496
schools under divisions (C)(2) and (3) of this section or section 38497
3313.65 of the Revised Code during the preceding six calendar 38498

months, the duration of the attendance of those children, the 38499
school district responsible for tuition on behalf of the child, 38500
and any other information that the superintendent requires. 38501

Upon receipt of the report the superintendent, pursuant to 38502
division (C) of section 3317.023 of the Revised Code, shall deduct 38503
each district's tuition obligations under divisions (C)(2) and (3) 38504
of this section or section 3313.65 of the Revised Code and pay to 38505
the district of attendance that amount plus any amount required to 38506
be paid by the state. 38507

(K) In the event of a disagreement, the superintendent of 38508
public instruction shall determine the school district in which 38509
the parent resides. 38510

(L) Nothing in this section requires or authorizes, or shall 38511
be construed to require or authorize, the admission to a public 38512
school in this state of a pupil who has been permanently excluded 38513
from public school attendance by the superintendent of public 38514
instruction pursuant to sections 3301.121 and 3313.662 of the 38515
Revised Code. 38516

(M) In accordance with division (B)(1) of this section, a 38517
child whose parent is a member of the national guard or a reserve 38518
unit of the armed forces of the United States and is called to 38519
active duty, or a child whose parent is a member of the armed 38520
forces of the United States and is ordered to a temporary duty 38521
assignment outside of the district, may continue to attend school 38522
in the district in which the child's parent lived before being 38523
called to active duty or ordered to a temporary duty assignment 38524
outside of the district, as long as the child's parent continues 38525
to be a resident of that district, and regardless of where the 38526
child lives as a result of the parent's active duty status or 38527
temporary duty assignment. However, the district is not 38528
responsible for providing transportation for the child if the 38529
child lives outside of the district as a result of the parent's 38530

active duty status or temporary duty assignment. 38531

Sec. 3313.646. (A) The board of education of a school 38532
district, except a cooperative education district established 38533
pursuant to section 3311.521 of the Revised Code, may establish 38534
and operate a ~~preschool~~ program to provide services to 38535
preschool-age children, provided the board has demonstrated a need 38536
for the program. A board may use school funds in support of 38537
preschool programs. The board shall maintain, operate, and admit 38538
children to any such program pursuant to rules adopted by such 38539
board and the rules of the state board of education adopted under 38540
sections 3301.52 to 3301.57 of the Revised Code. 38541

A board of education may establish fees or tuition, which may 38542
be graduated in proportion to family income, for participation in 38543
a preschool program. In cases where payment of fees or tuition 38544
would create a hardship for the child's parent or guardian, the 38545
board may waive any such fees or tuition. 38546

(B) No board of education that is not receiving funds under 38547
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 38548
March 17, 1989, shall compete for funds under the "Head Start Act" 38549
with any grantee receiving funds under that act. 38550

(C) A board of education may contract with any of the 38551
following preschool providers to provide ~~preschool programs~~ 38552
services to preschool-age children, other than ~~programs for units~~ 38553
~~described by divisions (B) and (C) of those services for which the~~ 38554
district is eligible to receive funding under section ~~3317.05~~ 38555
3317.0213 of the Revised Code, ~~for children of the school~~ 38556
~~district:~~ 38557

(1) Any organization receiving funds under the "Head Start 38558
Act"; 38559

(2) Any nonsectarian eligible nonpublic school as defined in 38560

division (H) of section 3301.52 of the Revised Code; 38561

(3) Any child care provider licensed under Chapter 5104. of 38562
the Revised Code. 38563

Boards may contract to provide ~~preschool programs~~ services to 38564
preschool-age children only with such organizations whose staff 38565
meet the requirements of rules adopted under section 3301.53 of 38566
the Revised Code or those of the child development associate 38567
credential established by the national association for the 38568
education of young children. 38569

(D) A contract entered into under division (C) of this 38570
section may provide for the board of education to lease school 38571
facilities to the preschool provider or to furnish transportation, 38572
utilities, or staff for the preschool program. 38573

(E) The treasurer of any board of education operating a 38574
preschool program pursuant to this section shall keep an account 38575
of all funds used to operate the program in the same manner as the 38576
treasurer would any other funds of the district pursuant to this 38577
chapter. 38578

Sec. 3313.65. (A) As used in this section and section 3313.64 38579
of the Revised Code: 38580

(1) A person is "in a residential facility" if the person is 38581
a resident or a resident patient of an institution, home, or other 38582
residential facility that is: 38583

(a) Licensed as a nursing home, residential care facility, or 38584
home for the aging by the director of health under section 3721.02 38585
of the Revised Code; 38586

(b) Maintained as a county home or district home by the board 38587
of county commissioners or a joint board of county commissioners 38588
under Chapter 5155. of the Revised Code; 38589

(c) Operated or administered by a board of alcohol, drug 38590

addiction, and mental health services under section 340.03 ~~or~~ 340.06 of the Revised Code, or provides residential care pursuant to contracts made under section 340.03 ~~or 340.033~~ of the Revised Code; (d) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code; (e) Licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.20~~ 5119.33 or ~~5119.22~~ 5119.34 of the Revised Code; (f) Licensed as a residential facility by the department of developmental disabilities under section 5123.19 of the Revised Code; (g) Operated by the veteran's administration or another agency of the United States government; (h) Operated by the Ohio veterans' home. (2) A person is "in a correctional facility" if any of the following apply: (a) The person is an Ohio resident and is: (i) Imprisoned, as defined in section 1.05 of the Revised Code; (ii) Serving a term in a community-based correctional facility or a district community-based correctional facility; (iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the

Revised Code or a similar facility designated by the court of 38621
common pleas that established the condition or by the adult parole 38622
authority. 38623

(b) The person is imprisoned in a state correctional 38624
institution of another state or a federal correctional institution 38625
but was an Ohio resident at the time the sentence was imposed for 38626
the crime for which the person is imprisoned. 38627

(3) A person is "in a juvenile residential placement" if the 38628
person is an Ohio resident who is under twenty-one years of age 38629
and has been removed, by the order of a juvenile court, from the 38630
place the person resided at the time the person became subject to 38631
the court's jurisdiction in the matter that resulted in the 38632
person's removal. 38633

(4) "Community control sanction" has the same meaning as in 38634
section 2929.01 of the Revised Code. 38635

(5) "Post-release control sanction" has the same meaning as 38636
in section 2967.01 of the Revised Code. 38637

(B) If the circumstances described in division (C) of this 38638
section apply, the determination of what school district must 38639
admit a child to its schools and what district, if any, is liable 38640
for tuition shall be made in accordance with this section, rather 38641
than section 3313.64 of the Revised Code. 38642

(C) A child who does not reside in the school district in 38643
which the child's parent resides and for whom a tuition obligation 38644
previously has not been established under division (C)(2) of 38645
section 3313.64 of the Revised Code shall be admitted to the 38646
schools of the district in which the child resides if at least one 38647
of the child's parents is in a residential or correctional 38648
facility or a juvenile residential placement and the other parent, 38649
if living and not in such a facility or placement, is not known to 38650
reside in this state. 38651

(D) Regardless of who has custody or care of the child, 38652
whether the child resides in a home, or whether the child receives 38653
special education, if a district admits a child under division (C) 38654
of this section, tuition shall be paid to that district as 38655
follows: 38656

(1) If the child's parent is in a juvenile residential 38657
placement, by the district in which the child's parent resided at 38658
the time the parent became subject to the jurisdiction of the 38659
juvenile court; 38660

(2) If the child's parent is in a correctional facility, by 38661
the district in which the child's parent resided at the time the 38662
sentence was imposed; 38663

(3) If the child's parent is in a residential facility, by 38664
the district in which the parent resided at the time the parent 38665
was admitted to the residential facility, except that if the 38666
parent was transferred from another residential facility, tuition 38667
shall be paid by the district in which the parent resided at the 38668
time the parent was admitted to the facility from which the parent 38669
first was transferred; 38670

(4) In the event of a disagreement as to which school 38671
district is liable for tuition under division (C)(1), (2), or (3) 38672
of this section, the superintendent of public instruction shall 38673
determine which district shall pay tuition. 38674

(E) If a child covered by division (D) of this section 38675
receives special education in accordance with Chapter 3323. of the 38676
Revised Code, the tuition shall be paid in accordance with section 38677
3323.13 or 3323.14 of the Revised Code. Tuition for children who 38678
do not receive special education shall be paid in accordance with 38679
division (J) of section 3313.64 of the Revised Code. 38680

Sec. 3313.714. (A) As used in this section: 38681

(1) "Board of education" means the board of education of a city, local, exempted village, or joint vocational school district.

(2) "Healthcheck" means the early and periodic screening, diagnosis, and treatment program, a component of the ~~medical assistance~~ medicaid program established under Title XIX of the ~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 302, as amended, and Chapter 5111. of the Revised Code.~~

(3) "Pupil" means a person under age twenty-two enrolled in the schools of a city, local, exempted village, or joint vocational school district.

(4) "Parent" means either parent with the following exceptions:

(a) If one parent has custody by court order, "parent" means the parent with custody.

(b) If neither parent has legal custody, "parent" means the person or government entity with legal custody.

(c) The child's legal guardian or a person who has accepted responsibility for the health, safety, and welfare of the child.

(B) At the request of the department of ~~job and family services~~ medicaid, a board of education shall establish and conduct a healthcheck program for pupils enrolled in the schools of the district who are medicaid recipients ~~of medical assistance under Chapter 5111. of the Revised Code.~~ At the request of a board of education, the department may authorize the board to establish a healthcheck program. A board that establishes a healthcheck program shall enter into a ~~medical assistance~~ medicaid provider agreement with the department.

A healthcheck program established by a board of education shall be conducted in accordance with rules adopted by the

~~medicaid~~ director ~~of job and family services~~ under division (F) of 38712
this section. The healthcheck program shall include all of the 38713
following components: 38714

(1) A comprehensive health and development history; 38715

(2) A comprehensive physical examination; 38716

(3) A developmental assessment; 38717

(4) A nutritional assessment; 38718

(5) A vision assessment; 38719

(6) A hearing assessment; 38720

(7) An immunization assessment; 38721

(8) Lead screening and laboratory tests ordered by a doctor 38722
of medicine or osteopathic medicine as part of one of the other 38723
components; 38724

(9) Such other assessment as may be required by the 38725
department of ~~job and family services~~ medicaid in accordance with 38726
the requirements of the healthcheck program. 38727

All services included in a board of education's healthcheck 38728
program that the board provided under sections 3313.67, 3313.673, 38729
3313.68, 3313.69, and 3313.71 of the Revised Code during the 38730
1990-1991 school year shall continue to be provided to ~~medical~~ 38731
~~assistance~~ medicaid recipients by the board pursuant to those 38732
sections. The services shall be considered part of the healthcheck 38733
program for medicaid recipients ~~of medical assistance~~, and the 38734
board shall be eligible for ~~reimbursement~~ payment from the state 38735
department in accordance with this division for providing the 38736
services. 38737

The department shall ~~reimburse~~ pay boards of education for 38738
healthcheck program services provided under this division at the 38739
rates paid under the ~~medical assistance~~ medicaid program to 38740
physicians, dentists, nurses, and other providers of healthcheck 38741

services. 38742

(C) Each board of education that conducts a healthcheck 38743
program shall determine for each pupil enrolled in the schools of 38744
the district whether the pupil is a ~~medical assistance~~ medicaid 38745
recipient. The department of ~~job and family services~~ medicaid and 38746
county departments of ~~human services~~ job and family services shall 38747
assist the board in making these determinations. Except as 38748
necessary to carry out the purposes of this section, all 38749
information received by a board under this division shall be 38750
confidential. 38751

Before the first day of October of each year, each board that 38752
conducts a healthcheck program shall send the parent of each pupil 38753
who is under age eighteen and a medicaid recipient ~~of medical~~ 38754
~~assistance~~ notice that the pupil will be examined under the 38755
district's healthcheck program unless the parent notifies the 38756
board that the parent denies consent for the examination. The 38757
notice shall include a form to be used by the parent to indicate 38758
that the parent denies consent. The denial shall be effective only 38759
if the form is signed by the parent and returned to the board or 38760
the school in which the pupil is enrolled. If the parent does not 38761
return a signed form indicating denial of consent within two weeks 38762
after the date the notice is sent, the school district and the 38763
department of ~~job and family services~~ medicaid shall deem the 38764
parent to have consented to examination of the parent's child 38765
under the healthcheck program. In the case of a pupil age eighteen 38766
or older, the notice shall be given to the pupil, and the school 38767
district and the department of ~~job and family services~~ medicaid 38768
shall deem the pupil to have consented to examination unless the 38769
pupil returns the signed form indicating the pupil's denial of 38770
consent. 38771

(D)(1) As used in this division: 38772

(a) "Nonfederal share" means the portion of expenditures for 38773

services that is required under the ~~medical assistance~~ medicaid 38774
program to be paid for with state or local government funds. 38775

(b) "Federal financial participation" means the portion of 38776
expenditures for services that is ~~reimbursed~~ payable under the 38777
~~medical assistance~~ medicaid program with federal funds. 38778

(2) At the request of a board of education, the state 38779
department may enter into an agreement with the board under which 38780
the board provides medical services to a medicaid recipient ~~of~~ 38781
~~medical assistance~~ that are ~~reimbursable~~ payable under the ~~medical~~ 38782
~~assistance~~ medicaid program but not under the healthcheck program. 38783
The agreement may be for a term specified in the agreement and 38784
renewable by mutual consent of the board and the department, or 38785
may continue in force as long as agreeable to the board and the 38786
department. 38787

The board shall use state or local funds of the district to 38788
pay the nonfederal share of expenditures for services provided 38789
under this division. Prior to entering into or renewing an 38790
agreement and at any other time requested by the department while 38791
the agreement is in force, the board shall certify to the 38792
department in accordance with the rules adopted under division (F) 38793
of this section that it will have sufficient state or local funds 38794
to pay the nonfederal share of expenditures under this division. 38795
If the board fails to make the certification, the department shall 38796
not enter into or renew the agreement. If an agreement has been 38797
entered into, it shall be void unless the board makes the 38798
certification not later than fifteen days after receiving notice 38799
from the department that the certification is due. The board shall 38800
report to the department, in accordance with the rules, the amount 38801
of state or local funds it spends to provide services under this 38802
division. 38803

The department shall ~~reimburse~~ pay the board the federal 38804
financial participation allowed for the board's expenditures for 38805

services under this division. The total of the nonfederal share 38806
spent by the board and the federal financial participation 38807
~~reimbursed~~ paid by the department for a service rendered under 38808
this division shall be an amount agreed to by the board and the 38809
department, but shall not exceed the maximum ~~reimbursable~~ payable 38810
amount for that service under rules adopted ~~by the director of job~~ 38811
~~and family services~~ under ~~Chapter 5111.~~ section 5164.02 of the 38812
Revised Code. The rules adopted under division (F) of this section 38813
shall include procedures under which the department will recover 38814
from a board overpayments and subsequent federal audit 38815
disallowances of federal financial participation ~~reimbursed~~ paid 38816
by the department. 38817

(E) A board of education shall provide services under 38818
division (D) of this section and under its healthcheck program as 38819
provided in division (E)(1), (2), or (3) of this section: 38820

(1) By having the services performed by physicians, dentists, 38821
and nurses employed by the board; 38822

(2) By contracting with physicians, dentists, nurses, and 38823
other providers of services who have ~~medical assistance~~ medicaid 38824
provider agreements with the department of ~~job and family services~~ 38825
medicaid; 38826

(3) By having some of the services performed by persons 38827
described in division (E)(1) of this section and others performed 38828
by persons described in division (E)(2) of this section. 38829

(F) The medicaid ~~director of job and family services~~ shall 38830
adopt rules in accordance with Chapter 119. of the Revised Code 38831
governing healthcheck programs conducted under this section and 38832
services provided under division (D) of this section. 38833

Sec. 3313.715. The board of education of a school district 38834
may request from the director of developmental disabilities the 38835

appropriate identification numbers for all students residing in 38836
the district who are ~~medical assistance~~ medicaid recipients under 38837
~~Chapter 5111. of the Revised Code.~~ The director shall furnish such 38838
numbers upon receipt of lists of student names furnished by the 38839
district board, in such form as the director may require. 38840

The medicaid director ~~of job and family services~~ shall 38841
provide the director of developmental disabilities with the data 38842
necessary for compliance with this section. 38843

Section 3319.321 of the Revised Code does not apply to the 38844
release of student names or other data to the director of 38845
developmental disabilities for the purposes of this section. 38846
Chapter 1347. of the Revised Code does not apply to information 38847
required to be kept by a school board or the departments of ~~job~~ 38848
~~and family services~~ medicaid or developmental disabilities to the 38849
extent necessary to comply with this section and section 3313.714 38850
of the Revised Code. However, any such information or data shall 38851
be used only for the specific legal purposes of such boards and 38852
departments and shall not be released to any unauthorized person. 38853

Sec. 3313.82. The board of education of each ~~city and~~ 38854
~~exempted village~~ school district and the governing board of each 38855
educational service center shall appoint a business advisory 38856
council, except that a school district that has entered into an 38857
agreement under section 3313.843 or 3313.845 of the Revised Code 38858
to receive any services from an educational service center is not 38859
required to appoint a council if the school district and 38860
educational service center agree that the educational service 38861
center's council will represent the business of the district. The 38862
council shall advise and provide recommendations to the board on 38863
matters specified by the board including, but not necessarily 38864
limited to, the delineation of employment skills and the 38865
development of curriculum to instill these skills; changes in the 38866

economy and in the job market, and the types of employment in 38867
which future jobs are most likely to be available; and suggestions 38868
for developing a working relationship among businesses, labor 38869
organizations, and educational personnel ~~in the district or in the~~ 38870
~~territory of the educational service center.~~ Each board shall 38871
determine the membership and organization of its council. 38872
Notwithstanding division (D) of section 3311.19 and division (D) 38873
of section 3311.52 of the Revised Code, this section shall not 38874
apply to the board of education of any joint vocational school 38875
district or any cooperative education school district created 38876
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 38877
Code. 38878

Sec. 3313.83. (A)(1) For the purpose of pooling resources, 38879
operating more cost effectively, minimizing administrative 38880
overhead, encouraging the sharing of resource development, and 38881
diminishing duplication, the boards of education of two or more 38882
city, local, or exempted village school districts each having a 38883
majority of its territory in a county with a population greater 38884
than one million two hundred thousand, by adopting identical 38885
resolutions, may enter into an agreement providing for the 38886
creation of a regional student education district for the purpose 38887
of funding the following for students enrolled in those school 38888
districts, including students diagnosed as autistic and students 38889
with special needs, and their immediate family members: 38890

(a) Special education services; 38891

(b) Behavioral health services for persons with special 38892
needs. 38893

If more than eight boards of education adopt resolutions to 38894
form a regional student education district, the boards may meet at 38895
facilities of the educational service center of the county to 38896
discuss membership in the district. 38897

(2) The territory of a regional student education district at 38898
any time shall be composed of the combined territories of the 38899
school districts that are parties to the agreement at that time. 38900
Services funded by a regional student education district shall be 38901
available to all individuals enrolled in a school district that is 38902
a part of the regional student education district and members of 38903
their immediate family. 38904

(3) The agreement may be amended pursuant to terms and 38905
procedures mutually agreed to by the boards of education that are 38906
parties to the agreement. 38907

(B) Each regional student education district shall be 38908
governed by a board of directors. The superintendent of each board 38909
of education that is a party to the agreement shall serve on the 38910
board of directors. The agreement shall provide for the terms of 38911
office of directors. Directors shall receive no compensation, but 38912
shall be reimbursed, from the special fund of the regional student 38913
education district, for the reasonable and necessary expenses they 38914
incur in the performance of their duties for the district. The 38915
agreement shall provide for the conduct of the board's initial 38916
organizational meeting and for the frequency of subsequent 38917
meetings and quorum requirements. At its first meeting, the board 38918
shall designate from among its members a president and secretary 38919
in the manner provided in the agreement. 38920

The board of directors of a regional student education 38921
district is a body corporate and politic, is capable of suing and 38922
being sued, is capable of contracting within the limits of this 38923
section and the agreement governing the district, and is capable 38924
of accepting gifts, donations, bequests, or other grants of money 38925
for use in paying its expenses. The district is a public office 38926
and its directors are public officials within the meaning of 38927
section 117.01 of the Revised Code, the board of directors is a 38928
public body within the meaning of section 121.22 of the Revised 38929

Code, and records of the board and of the district are public 38930
records within the meaning of section 149.43 of the Revised Code. 38931

The agreement shall require the board to designate a 38932
permanent location for its offices and meeting place, and may 38933
provide for the use of such facilities and property for the 38934
provision of services by the agencies with which the board 38935
contracts under division (C) of this section. 38936

(C)(1) To provide the services identified in division (A)(1) 38937
of this section, the board of directors of a regional student 38938
education district shall provide for the hiring of employees or 38939
shall contract with one or more entities. Except as provided in 38940
division (C)(2) of this section, any entity with which the board 38941
of directors contracts to provide the services identified in 38942
division (A)(1)(b) of this section shall be a qualified nonprofit, 38943
nationally accredited agency to which both of the following apply: 38944

(a) The agency is licensed or certified by the departments of 38945
~~mental health,~~ mental health and addiction services and job and 38946
family services, ~~and alcohol and drug addiction services.~~ 38947

(b) The agency provides school-based behavioral health 38948
services. 38949

(2) The board of directors may contract with an entity that 38950
does not meet the conditions stated in division (C)(1) of this 38951
section if the services to be provided by the entity are only 38952
incidental to the services identified in division (A)(1)(b) of 38953
this section. 38954

(3) The board of directors may levy a tax throughout the 38955
district as provided in section 5705.2111 of the Revised Code. The 38956
board of directors shall provide for the creation of a special 38957
fund to hold the proceeds of any tax levied under section 38958
5705.2111 of the Revised Code and any gifts, donations, bequests, 38959
or other grants of money coming into the possession of the 38960

district. A regional student education district is a subdivision, 38961
and the board of directors is a governing body, within the meaning 38962
of section 135.01 of the Revised Code. The board of directors may 38963
not issue securities or otherwise incur indebtedness. 38964

(4) The adoption or rejection by electors of a tax levy to 38965
fund a regional student education district pursuant to section 38966
5705.2111 of the Revised Code does not alter the duty of each 38967
school district member of the regional student education district 38968
to provide special education and related services as required 38969
under Chapter 3323. of the Revised Code. On the expiration of a 38970
regional student education district levy, the state, member school 38971
districts of the regional student education district, and any 38972
other governmental entity shall not be obligated to provide 38973
replacement funding for the revenues under the expired levy. The 38974
tax levy, in whole or in part, shall not be considered a levy for 38975
current operating expenses pursuant to division (A) of section 38976
3317.01 of the Revised Code for any of the school districts that 38977
are members of the regional student education district. 38978

(D)(1) The agreement shall provide for the manner of 38979
appointing an individual or entity to perform the duties of fiscal 38980
officer of the regional student education district. The agreement 38981
shall specify the length of time the individual or entity shall 38982
perform those duties and whether the individual or entity may be 38983
reappointed upon the completion of a term. The fiscal officer may 38984
receive compensation for performing the duties of the position and 38985
be reimbursed for reasonable expenses of performing those duties 38986
from the regional student education district's special fund. 38987

(2) The legal advisor of the board of directors of a regional 38988
student education district shall be the prosecuting attorney of 38989
the most populous county containing a school district that is a 38990
member of the regional student education district. The prosecuting 38991
attorney shall prosecute all actions against a member of the board 38992

of directors for malfeasance or misfeasance in office and shall be 38993
the legal counsel for the board and its members in all other 38994
actions brought by or against them and shall conduct those actions 38995
in the prosecuting attorney's official capacity. No compensation 38996
in addition to the prosecuting attorney's regular salary shall be 38997
allowed. 38998

(E) The board of directors of a regional student education 38999
district shall procure a policy or policies of insurance insuring 39000
the board, the fiscal officer, and the legal representative 39001
against liability on account of damage or injury to persons and 39002
property. Before procuring such insurance the board shall adopt a 39003
resolution setting forth the amount of insurance to be purchased, 39004
the necessity of the insurance, and a statement of its estimated 39005
premium cost. Insurance procured pursuant to this section shall be 39006
from one or more recognized insurance companies authorized to do 39007
business in this state. The cost of the insurance shall be paid 39008
from the district's special fund. 39009

A regional student education district is a political 39010
subdivision within the meaning of section 2744.01 of the Revised 39011
Code. 39012

(F)(1) The board of education of a school district having a 39013
majority of its territory in the county may join an existing 39014
regional student education district by adopting a resolution 39015
requesting to join as a party to the agreement and upon approval 39016
by the boards of education that currently are parties to the 39017
agreement. If a tax is levied in the regional student education 39018
district under section 5705.2111 of the Revised Code, a board of 39019
education may join the district only after a majority of qualified 39020
electors in the school district voting on the question vote in 39021
favor of levying the tax throughout the school district. A board 39022
of education joining an existing district shall have the same 39023
powers, rights, and obligations under the agreement as other 39024

boards of education that are parties to the agreement. 39025

(2) A board of education that is a party to an agreement 39026
under this section may withdraw the school district from a 39027
regional student education district by adopting a resolution. The 39028
withdrawal shall take effect on the date provided in the 39029
resolution. If a tax is levied in the regional student education 39030
district under section 5705.2111 of the Revised Code, the 39031
resolution shall take effect not later than the first day of 39032
January following adoption of the resolution. Beginning with the 39033
first day of January following adoption of the resolution, any tax 39034
levied under section 5705.2111 of the Revised Code shall not be 39035
levied within the territory of the withdrawing school district. 39036
Any collection of tax levied in the territory of the withdrawing 39037
school district under that section that has not been settled and 39038
distributed when the resolution takes effect shall be credited to 39039
the district's special fund. 39040

(G) An agreement entered into under this section shall 39041
provide for the manner of the regional student education 39042
district's dissolution. The district shall cease to exist when not 39043
more than one school district remains in the district, and the 39044
levy of any tax under section 5705.2111 of the Revised Code shall 39045
not be extended on the tax lists in any tax year beginning after 39046
the dissolution of the district. The agreement shall provide that, 39047
upon dissolution of the district, any unexpended balance in the 39048
district's special fund shall be divided among the school 39049
districts that are parties to the agreement immediately before 39050
dissolution in proportion to the taxable valuation of taxable 39051
property in the districts, and credited to their respective 39052
general funds. 39053

Sec. 3313.841. The boards of education and governing boards 39054
of two or more city, local, joint vocational, or exempted village 39055

school districts or educational service centers may contract in 39056
accordance with the terms of this section for the sharing on a 39057
cooperative basis of the services of supervisory teachers, special 39058
instruction teachers, special education teachers, and other 39059
licensed personnel necessary to conduct approved cooperative 39060
classes for special education and related services and gifted 39061
education. 39062

The boards of two or more districts or service centers 39063
desiring to enroll students in such classes shall each adopt 39064
resolutions indicating such desire and designating one of the 39065
participating districts or service centers as the funding agent 39066
for purposes of this section. The district or service center 39067
designated as the funding agent shall enter into an employment 39068
contract with each licensed teacher whose services are to be 39069
shared among the participating districts and service centers. In 39070
turn, the funding agent shall enter into contracts with each of 39071
the districts and service centers which have adopted resolutions 39072
agreeing to participate in the cooperative program upon terms 39073
agreed to by all parties to such contract. Such contracts between 39074
districts and service centers shall set forth the services to be 39075
provided by the licensed teacher employed by the funding agent 39076
whose services are to be shared by the participating districts and 39077
service centers and the basis for computing the amounts to be paid 39078
for such services to the funding agent by the participating 39079
districts and service centers. 39080

For purposes of ~~division (B) of section 3317.05~~ 3317.0213 of 39081
the Revised Code, the funding agent shall count all pupils 39082
enrolled in cooperative programs for pupils with disabilities as 39083
pupils enrolled in such programs in the funding agent district. 39084
Upon receipt of payment for such programs, the funding agent 39085
district shall credit the account of districts participating in 39086
the cooperative program for the amounts due under contracts 39087

entered into under the terms of this section in proportion to the 39088
number of resident students enrolled in the cooperative program 39089
from each participating district and service center. 39090

In determining the terms of the contract entered into by the 39091
funding agent district or service center and the participating 39092
districts and service centers, the superintendent of schools of 39093
each participating board of education and governing board shall 39094
serve as a committee which shall recommend such terms to such 39095
boards. 39096

Sec. 3313.843. (A) Notwithstanding division (D) of section 39097
3311.52 of the Revised Code, this section does not apply to any 39098
cooperative education school district. 39099

(B)(1) The board of education of each city, exempted village, 39100
or local school district with an average daily student enrollment 39101
of sixteen thousand or less, reported for the district on the most 39102
recent report card issued under section 3302.03 of the Revised 39103
Code, shall enter into an agreement with the governing board of an 39104
educational service center, under which the educational service 39105
center governing board will provide services to the district. 39106

(2) The board of education of a city, exempted village, or 39107
local school district with an average daily student enrollment of 39108
more than sixteen thousand may enter into an agreement with the 39109
governing board of an educational service center, under which the 39110
educational service center governing board will provide services 39111
to the district. 39112

(3) Services provided under an agreement entered into under 39113
division (B)(1) or (2) of this section shall be specified in the 39114
agreement, and may include any of the following: supervisory 39115
teachers; in-service and continuing education programs for 39116
district personnel; curriculum services; research and development 39117
programs; academic instruction for which the governing board 39118

employs teachers pursuant to section 3319.02 of the Revised Code; 39119
assistance in the provision of special accommodations and classes 39120
for students with disabilities; or any other services the district 39121
board and service center governing board agree can be better 39122
provided by the service center and are not provided under an 39123
agreement entered into under section 3313.845 of the Revised Code. 39124
Services included in the agreement shall be provided to the 39125
district in the manner specified in the agreement. The district 39126
board of education shall reimburse the educational service center 39127
governing board pursuant to ~~section 3317.11 of the Revised Code~~ 39128
terms specified in the agreement entered into under this section. 39129

~~Beginning with the 2012-2013 school year, the board of any 39130
district described in division (B)(2) of this section may elect 39131
not to receive the supervisory services for which supervisory 39132
units are paid under division (B) of section 3317.11 of the 39133
Revised Code, provided that election is specified in the 39134
agreement.~~ 39135

(C) Any agreement entered into pursuant to this section shall 39136
be filed with the department of education by the first day of July 39137
of the school year for which the agreement is in effect. 39138

(D)(1) An agreement for services from an educational service 39139
center entered into under this section may be terminated by the 39140
school district board of education, at its option, by notifying 39141
the governing board of the service center by March 1, 2012, or by 39142
the first day of January of any odd-numbered year thereafter, that 39143
the district board intends to terminate the agreement in that 39144
year, and that termination shall be effective on the thirtieth day 39145
of June of that year. The failure of a district board to notify an 39146
educational service center of its intent to terminate an agreement 39147
by March 1, 2012, shall result in renewal of the existing 39148
agreement for the following school year. Thereafter, the failure 39149
of a district board to notify an educational service center of its 39150

intent to terminate an agreement by the first day of January of an 39151
odd-numbered year shall result in renewal of the existing 39152
agreement for the following two school years. 39153

(2) If the school district that terminates an agreement for 39154
services under division (D)(1) of this section is also subject to 39155
the requirement of division (B)(1) of this section, the district 39156
board shall enter into a new agreement with any educational 39157
service center so that the new agreement is effective on the first 39158
day of July of that same year. 39159

Sec. 3313.845. The board of education of a city, exempted 39160
village, or local school district and the governing board of an 39161
educational service center may enter into an agreement under which 39162
the educational service center will provide services to the school 39163
district. Services provided under the agreement and the amount to 39164
be paid for such services shall be mutually agreed to by the 39165
district board of education and the service center governing 39166
board, and shall be specified in the agreement. Payment for 39167
services specified in the agreement shall be made pursuant to 39168
~~division (D) of section 3317.11 of the Revised Code and shall not~~ 39169
~~include any deduction under division (B), (C), or (F) of that~~ 39170
~~section the terms of that agreement.~~ Any agreement entered into 39171
pursuant to this section shall be valid only if a copy is filed 39172
with the department of education. 39173

The authority granted under this section to the boards of 39174
education of city, exempted village, and local school districts is 39175
in addition to the authority granted to such boards under section 39176
3313.843 of the Revised Code. 39177

Sec. 3313.88. (A)(1) Prior to the first day of August of each 39178
school year, the board of education of any school district or the 39179
governing authority of any chartered nonpublic school may submit 39180

to the department of education a plan to require students to 39181
access and complete classroom lessons posted on the district's or 39182
nonpublic school's web portal or web site in order to make up days 39183
in that school year on which it is necessary to close schools for 39184
any of the reasons specified in division (B) of section 3317.01 of 39185
the Revised Code in excess of the number of days permitted under 39186
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 39187

39188

Prior to the first day of August of each school year, the 39189
governing authority of any community school established under 39190
Chapter 3314. that is not an internet- or computer-based community 39191
school, as defined in section 3314.02 of the Revised Code, may 39192
submit to the department a plan to require students to access and 39193
complete classroom lessons posted on the school's web portal or 39194
web site in order to make up days or hours in that school year on 39195
which it is necessary to close the school for any of the reasons 39196
specified in division ~~(L)~~(H)(4) of section 3314.08 of the Revised 39197
Code so that the school is in compliance with the minimum number 39198
of hours required under Chapter 3314. of the Revised Code. 39199

A plan submitted by a school district board or chartered 39200
nonpublic school governing authority shall provide for making up 39201
any number of days, up to a maximum of three days. A plan 39202
submitted by a community school governing authority shall provide 39203
for making up any number of hours, up to a maximum of the 39204
equivalent of three days. Provided the plan meets all requirements 39205
of this section, the department shall permit the board or 39206
governing authority to implement the plan for the applicable 39207
school year. 39208

(2) Each plan submitted under this section by a school 39209
district board of education shall include the written consent of 39210
the teachers' employee representative designated under division 39211

(B) of section 4117.04 of the Revised Code. 39212

(3) Each plan submitted under this section shall provide for 39213
the following: 39214

(a) Not later than the first day of November of the school 39215
year, each classroom teacher shall develop a sufficient number of 39216
lessons for each course taught by the teacher that school year to 39217
cover the number of make-up days or hours specified in the plan. 39218
The teacher shall designate the order in which the lessons are to 39219
be posted on the district's, community school's, or nonpublic 39220
school's web portal or web site in the event of a school closure. 39221
Teachers may be granted up to one professional development day to 39222
create lesson plans for those lessons. 39223

(b) To the extent possible and necessary, a classroom teacher 39224
shall update or replace, based on current instructional progress, 39225
one or more of the lesson plans developed under division (A)(3)(a) 39226
of this section before they are posted on the web portal or web 39227
site under division (A)(3)(c) of this section or distributed under 39228
division (B) of this section. 39229

(c) As soon as practicable after a school closure, a district 39230
or school employee responsible for web portal or web site 39231
operations shall make the designated lessons available to students 39232
on the district's, community school's, or nonpublic school's 39233
portal or site. A lesson shall be posted for each course that was 39234
scheduled to meet on the day or hours of the closure. 39235

(d) Each student enrolled in a course for which a lesson is 39236
posted on the portal or site shall be granted a two-week period 39237
from the date of posting to complete the lesson. The student's 39238
classroom teacher shall grade the lesson in the same manner as 39239
other lessons. The student may receive an incomplete or failing 39240
grade if the lesson is not completed on time. 39241

(e) If a student does not have access to a computer at the 39242

student's residence and the plan does not include blizzard bags 39243
under division (B) of this section, the student shall be permitted 39244
to work on the posted lessons at school after the student's school 39245
reopens. If the lessons were posted prior to the reopening, the 39246
student shall be granted a two-week period from the date of the 39247
reopening, rather than from the date of posting as otherwise 39248
required under division (A)(3)(d) of this section, to complete the 39249
lessons. The district board or community school or nonpublic 39250
school governing authority may provide the student access to a 39251
computer before, during, or after the regularly scheduled school 39252
day or may provide a substantially similar paper lesson in order 39253
to complete the lessons. 39254

(B)(1) In addition to posting classroom lessons online under 39255
division (A) of this section, the board of education of any school 39256
district or governing authority of any community or chartered 39257
nonpublic school may include in the plan distribution of "blizzard 39258
bags," which are paper copies of the lessons posted online. 39259

(2) If a school opts to use blizzard bags, teachers shall 39260
prepare paper copies in conjunction with the lessons to be posted 39261
online and update the paper copies whenever the teacher updates 39262
the online lesson plans. 39263

(3) The board of education of any school district or 39264
governing authority of any community or chartered nonpublic school 39265
that opts to use blizzard bags shall specify in the plan the 39266
method of distribution of blizzard bag lessons, which may include, 39267
but not be limited to, requiring distribution by a specific 39268
deadline or requiring distribution prior to anticipated school 39269
closure as directed by the superintendent of a school district or 39270
the principal, director, chief administrative officer, or the 39271
equivalent, of a school. 39272

(4) Students shall turn in completed lessons in accordance 39273
with division (A)(3)(d) of this section. 39274

(C)(1) No school district that implements a plan in 39275
accordance with this section shall be considered to have failed to 39276
comply with division (B) of section 3317.01 of the Revised Code 39277
with respect to the number of make-up days specified in the plan. 39278

(2) No community school that implements a plan in accordance 39279
with this section shall be considered to have failed to comply 39280
with the minimum number of hours required under Chapter 3314. of 39281
the Revised Code with respect to the number of make-up hours 39282
specified in the plan. 39283

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 39284
and division (D) of section 3311.52 of the Revised Code, the 39285
provisions of this section and sections 3313.981 to 3313.983 of 39286
the Revised Code that apply to a city school district do not apply 39287
to a joint vocational or cooperative education school district 39288
unless expressly specified. 39289

(A) As used in this section and sections 3313.981 to 3313.983 39290
of the Revised Code: 39291

(1) "Parent" means either of the natural or adoptive parents 39292
of a student, except under the following conditions: 39293

(a) When the marriage of the natural or adoptive parents of 39294
the student has been terminated by a divorce, dissolution of 39295
marriage, or annulment or the natural or adoptive parents of the 39296
student are living separate and apart under a legal separation 39297
decree and the court has issued an order allocating the parental 39298
rights and responsibilities with respect to the student, "parent" 39299
means the residential parent as designated by the court except 39300
that "parent" means either parent when the court issues a shared 39301
parenting decree. 39302

(b) When a court has granted temporary or permanent custody 39303
of the student to an individual or agency other than either of the 39304

natural or adoptive parents of the student, "parent" means the 39305
legal custodian of the child. 39306

(c) When a court has appointed a guardian for the student, 39307
"parent" means the guardian of the student. 39308

(2) "Native student" means a student entitled under section 39309
3313.64 or 3313.65 of the Revised Code to attend school in a 39310
district adopting a resolution under this section. 39311

(3) "Adjacent district" means a city, exempted village, or 39312
local school district having territory that abuts the territory of 39313
a district adopting a resolution under this section. 39314

(4) "Adjacent district student" means a student entitled 39315
under section 3313.64 or 3313.65 of the Revised Code to attend 39316
school in an adjacent district. 39317

(5) "Adjacent district joint vocational student" means an 39318
adjacent district student who enrolls in a city, exempted village, 39319
or local school district pursuant to this section and who also 39320
enrolls in a joint vocational school district that does not 39321
contain the territory of the district for which that student is a 39322
native student and does contain the territory of the city, 39323
exempted village, or local district in which the student enrolls. 39324

(6) ~~"Formula amount" has the same meaning as in section 39325~~
~~3317.02 of the Revised Code.~~ 39326

~~(7) "Adjusted formula amount" means the sum of the formula 39327~~
~~amount plus the per pupil amount of the base funding supplements 39328~~
~~specified in divisions (C)(1) to (4) of section 3317.012 of the 39329~~
~~Revised Code for fiscal year 2009.~~ 39330

~~(8) "Poverty line" means the poverty line established by the 39331~~
~~director of the United States office of management and budget as 39332~~
~~revised by the director secretary of the office of community 39333~~
~~health and human services in accordance with section 673(2) of the 39334~~

"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 39335
9902, as amended. 39336

~~(9)~~(7) "IEP" has the same meaning as in section 3323.01 of 39337
the Revised Code. 39338

~~(10)~~(8) "Other district" means a city, exempted village, or 39339
local school district having territory outside of the territory of 39340
a district adopting a resolution under this section. 39341

~~(11)~~(9) "Other district student" means a student entitled 39342
under section 3313.64 or 3313.65 of the Revised Code to attend 39343
school in an other district. 39344

~~(12)~~(10) "Other district joint vocational student" means a 39345
student who is enrolled in any city, exempted village, or local 39346
school district and who also enrolls in a joint vocational school 39347
district that does not contain the territory of the district for 39348
which that student is a native student in accordance with a policy 39349
adopted under section 3313.983 of the Revised Code. 39350

(B)(1) The board of education of each city, local, and 39351
exempted village school district shall adopt a resolution 39352
establishing for the school district one of the following 39353
policies: 39354

(a) A policy that entirely prohibits the enrollment of 39355
students from adjacent districts or other districts, other than 39356
students for whom tuition is paid in accordance with section 39357
3317.08 of the Revised Code; 39358

(b) A policy that permits enrollment of students from all 39359
adjacent districts in accordance with policy statements contained 39360
in the resolution; 39361

(c) A policy that permits enrollment of students from all 39362
other districts in accordance with policy statements contained in 39363
the resolution. 39364

(2) A policy permitting enrollment of students from adjacent 39365
or from other districts, as applicable, shall provide for all of 39366
the following: 39367

(a) Application procedures, including deadlines for 39368
application and for notification of students and the 39369
superintendent of the applicable district whenever an adjacent or 39370
other district student's application is approved. 39371

(b) Procedures for admitting adjacent or other district 39372
applicants free of any tuition obligation to the district's 39373
schools, including, but not limited to: 39374

(i) The establishment of district capacity limits by grade 39375
level, school building, and education program; 39376

(ii) A requirement that all native students wishing to be 39377
enrolled in the district will be enrolled and that any adjacent or 39378
other district students previously enrolled in the district shall 39379
receive preference over first-time applicants; 39380

(iii) Procedures to ensure that an appropriate racial balance 39381
is maintained in the district schools. 39382

(C) Except as provided in section 3313.982 of the Revised 39383
Code, the procedures for admitting adjacent or other district 39384
students, as applicable, shall not include: 39385

(1) Any requirement of academic ability, or any level of 39386
athletic, artistic, or other extracurricular skills; 39387

(2) Limitations on admitting applicants because of 39388
disability, except that a board may refuse to admit a student 39389
receiving services under Chapter 3323. of the Revised Code, if the 39390
services described in the student's IEP are not available in the 39391
district's schools; 39392

(3) A requirement that the student be proficient in the 39393
English language; 39394

(4) Rejection of any applicant because the student has been 39395
subject to disciplinary proceedings, except that if an applicant 39396
has been suspended or expelled by the student's district for ten 39397
consecutive days or more in the term for which admission is sought 39398
or in the term immediately preceding the term for which admission 39399
is sought, the procedures may include a provision denying 39400
admission of such applicant. 39401

(D)(1) Each school board permitting only enrollment of 39402
adjacent district students shall provide information about the 39403
policy adopted under this section, including the application 39404
procedures and deadlines, to the superintendent and the board of 39405
education of each adjacent district and, upon request, to the 39406
parent of any adjacent district student. 39407

(2) Each school board permitting enrollment of other district 39408
students shall provide information about the policy adopted under 39409
this section, including the application procedures and deadlines, 39410
upon request, to the board of education of any other school 39411
district or to the parent of any student anywhere in the state. 39412

(E) Any school board shall accept all credits toward 39413
graduation earned in adjacent or other district schools by an 39414
adjacent or other district student or a native student. 39415

(F)(1) No board of education may adopt a policy discouraging 39416
or prohibiting its native students from applying to enroll in the 39417
schools of an adjacent or any other district that has adopted a 39418
policy permitting such enrollment, except that: 39419

(a) A district may object to the enrollment of a native 39420
student in an adjacent or other district in order to maintain an 39421
appropriate racial balance. 39422

(b) The board of education of a district receiving funds 39423
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 39424
may adopt a resolution objecting to the enrollment of its native 39425

students in adjacent or other districts if at least ten per cent 39426
of its students are included in the determination of the United 39427
States secretary of education made under section 20 U.S.C.A. 39428
238(a). 39429

(2) If a board objects to enrollment of native students under 39430
this division, any adjacent or other district shall refuse to 39431
enroll such native students unless tuition is paid for the 39432
students in accordance with section 3317.08 of the Revised Code. 39433
An adjacent or other district enrolling such students may not 39434
receive funding for those students in accordance with section 39435
3313.981 of the Revised Code. 39436

(G) The state board of education shall monitor school 39437
districts to ensure compliance with this section and the 39438
districts' policies. The board may adopt rules requiring uniform 39439
application procedures, deadlines for application, notification 39440
procedures, and record-keeping requirements for all school boards 39441
that adopt policies permitting the enrollment of adjacent or other 39442
district students, as applicable. If the state board adopts such 39443
rules, no school board shall adopt a policy that conflicts with 39444
those rules. 39445

(H) A resolution adopted by a board of education under this 39446
section that entirely prohibits the enrollment of students from 39447
adjacent and from other school districts does not abrogate any 39448
agreement entered into under section 3313.841 or 3313.92 of the 39449
Revised Code or any contract entered into under section 3313.90 of 39450
the Revised Code between the board of education adopting the 39451
resolution and the board of education of any adjacent or other 39452
district or prohibit these boards of education from entering into 39453
any such agreement or contract. 39454

(I) Nothing in this section shall be construed to permit or 39455
require the board of education of a city, exempted village, or 39456
local school district to exclude any native student of the 39457

district from enrolling in the district. 39458

Sec. 3313.981. (A) The state board of education shall adopt 39459
rules requiring all of the following: 39460

(1) The board of education of each city, exempted village, 39461
and local school district to annually report to the department of 39462
education all of the following: 39463

(a) The number of adjacent district or other district 39464
students, as applicable, and adjacent district or other district 39465
joint vocational students, as applicable, enrolled in the district 39466
and the number of native students enrolled in adjacent or other 39467
districts, in accordance with a policy adopted under division (B) 39468
of section 3313.98 of the Revised Code; 39469

(b) Each adjacent district or other district student's or 39470
adjacent district or other district joint vocational student's 39471
date of enrollment in the district; 39472

(c) The full-time equivalent number of adjacent district or 39473
other district students enrolled in ~~vocational~~ each of the 39474
categories of career-technical education programs or classes 39475
described in ~~division (A) of~~ section 3317.014 of the Revised Code 39476
~~and the full-time equivalent number of such students enrolled in~~ 39477
~~vocational education programs or classes described in division (B)~~ 39478
~~of that section;~~ 39479

(d) Each native student's date of enrollment in an adjacent 39480
or other district. 39481

(2) The board of education of each joint vocational school 39482
district to annually report to the department all of the 39483
following: 39484

(a) The number of adjacent district or other district joint 39485
vocational students, as applicable, enrolled in the district; 39486

(b) The full-time equivalent number of adjacent district or 39487

other district joint vocational students enrolled in ~~vocational~~ 39488
each category of career-technical education programs or classes 39489
described in ~~division (A) of~~ section 3317.014 of the Revised Code 39490
~~and the full-time equivalent number of such students enrolled in~~ 39491
~~vocational education programs or classes described in division (B)~~ 39492
~~of that section;~~ 39493

(c) For each adjacent district or other district joint 39494
vocational student, the city, exempted village, or local school 39495
district in which the student is also enrolled. 39496

(3) Prior to the first full school week in October each year, 39497
the superintendent of each city, local, or exempted village school 39498
district that admits adjacent district or other district students 39499
or adjacent district or other district joint vocational students 39500
in accordance with a policy adopted under division (B) of section 39501
3313.98 of the Revised Code to notify each adjacent or other 39502
district where those students are entitled to attend school under 39503
section 3313.64 or 3313.65 of the Revised Code of the number of 39504
the adjacent or other district's native students who are enrolled 39505
in the superintendent's district under the policy. 39506

The rules shall provide for the method of counting students 39507
who are enrolled for part of a school year in an adjacent or other 39508
district or as an adjacent district or other district joint 39509
vocational student. 39510

(B) From the payments made to a city, exempted village, or 39511
local school district under Chapter 3317. of the Revised Code and, 39512
if necessary, from the payments made to the district under 39513
sections 321.24 and 323.156 of the Revised Code, the department of 39514
education shall annually subtract both of the following: 39515

(1) An amount equal to the number of the district's native 39516
students reported under division (A)(1) of this section who are 39517
enrolled in adjacent or other school districts pursuant to 39518

policies adopted by such districts under division (B) of section 39519
3313.98 of the Revised Code multiplied by ~~the adjusted formula~~ 39520
~~amount~~ \$5,704; 39521

(2) The excess costs computed in accordance with division (E) 39522
of this section for any such native students receiving special 39523
education and related services in adjacent or other school 39524
districts or as an adjacent district or other district joint 39525
vocational student; 39526

(3) For ~~the full-time equivalent number~~ each of the 39527
district's native students reported under division (A)(1)(c) or 39528
(2)(b) of this section as enrolled in ~~vocational~~ career-technical 39529
education programs or classes described in section 3317.014 of the 39530
Revised Code, ~~an the per pupil amount equal to \$5,732 times the~~ 39531
~~applicable multiple~~ prescribed by that section for the student's 39532
respective career-technical category, on a full-time equivalency 39533
basis. 39534

(C) To the payments made to a city, exempted village, or 39535
local school district under Chapter 3317. of the Revised Code, the 39536
department of education shall annually add all of the following: 39537

(1) An amount equal to ~~the adjusted formula amount~~ \$5,704 39538
multiplied by the remainder obtained by subtracting the number of 39539
adjacent district or other district joint vocational students from 39540
the number of adjacent district or other district students 39541
enrolled in the district, as reported under division (A)(1) of 39542
this section; 39543

(2) The excess costs computed in accordance with division (E) 39544
of this section for any adjacent district or other district 39545
students, except for any adjacent or other district joint 39546
vocational students, receiving special education and related 39547
services in the district; 39548

(3) For ~~the full-time equivalent number~~ each of the adjacent 39549

or other district students who are not adjacent district or other 39550
district joint vocational students and are reported under division 39551
(A)(1)(c) of this section as enrolled in ~~vocational~~ 39552
career-technical education programs or classes described in 39553
section 3317.014 of the Revised Code, ~~an~~ the per pupil amount 39554
~~equal to \$5,732 times the applicable multiple~~ prescribed by that 39555
section for the student's respective career-technical category, on 39556
a full-time equivalency basis; 39557

(4) An amount equal to the number of adjacent district or 39558
other district joint vocational students reported under division 39559
(A)(1) of this section multiplied by an amount equal to twenty per 39560
cent of the adjusted formula amount. 39561

(D) To the payments made to a joint vocational school 39562
district under Chapter 3317. of the Revised Code, the department 39563
of education shall add, for each adjacent district or other 39564
district joint vocational student reported under division (A)(2) 39565
of this section, both of the following: 39566

(1) ~~The adjusted formula amount \$5,704;~~ 39567

(2) ~~An~~ The per pupil amount ~~equal to the full-time equivalent~~ 39568
~~number~~ for each of the students reported pursuant to division 39569
(A)(2)(b) of this section ~~times \$5,732 times the applicable~~ 39570
~~multiple~~ prescribed by section 3317.014 of the Revised Code for 39571
the student's respective career-technical category, on a full-time 39572
equivalency basis. 39573

(E)(1) A city, exempted village, or local school board 39574
providing special education and related services to an adjacent or 39575
other district student in accordance with an IEP shall, pursuant 39576
to rules of the state board, compute the excess costs to educate 39577
such student as follows: 39578

(a) Subtract ~~the adjusted formula amount \$5,704~~ from the 39579
actual costs to educate the student; 39580

(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.

(2) The board shall report the excess costs computed under this division to the department of education.

(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under Chapter 3317. of the Revised Code to the joint vocational school district enrolling the student.

(F) As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count any adjacent or other district joint vocational student enrolled in the district in its formula ADM certified under section 3317.03 of the Revised Code.

(G) No city, exempted village, or local school district shall receive a payment under division (C) of this section for a student, and no joint vocational school district shall receive a payment under division (D) of this section for a student, if for the same school year that student is counted in the district's formula ADM certified under section 3317.03 of the Revised Code.

(H) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop

designated in accordance with the board's transportation policy. 39612
Pursuant to rules of the state board of education, such board may 39613
reimburse the parent from funds received for pupil transportation 39614
under section 3317.0212 of the Revised Code, or other provisions 39615
of law, for the reasonable cost of transportation from the 39616
student's home to the designated school bus stop if the student's 39617
family has an income below the federal poverty line. 39618

Sec. 3314.015. (A) The department of education shall be 39619
responsible for the oversight of any and all sponsors of the 39620
community schools established under this chapter and shall provide 39621
technical assistance to schools and sponsors in their compliance 39622
with applicable laws and the terms of the contracts entered into 39623
under section 3314.03 of the Revised Code and in the development 39624
and start-up activities of those schools. In carrying out its 39625
duties under this section, the department shall do all of the 39626
following: 39627

(1) In providing technical assistance to proposing parties, 39628
governing authorities, and sponsors, conduct training sessions and 39629
distribute informational materials; 39630

(2) Approve entities to be sponsors of community schools; 39631

(3) Monitor and evaluate, as required under section 3314.016 39632
of the Revised Code, the effectiveness of any and all sponsors in 39633
their oversight of the schools with which they have contracted; 39634

(4) By December thirty-first of each year, issue a report to 39635
the governor, the speaker of the house of representatives, the 39636
president of the senate, and the chairpersons of the house and 39637
senate committees principally responsible for education matters 39638
regarding the effectiveness of academic programs, operations, and 39639
legal compliance and of the financial condition of all community 39640
schools established under this chapter and on the performance of 39641
community school sponsors; 39642

(5) From time to time, make legislative recommendations to 39643
the general assembly designed to enhance the operation and 39644
performance of community schools. 39645

(B)(1) Except as provided in sections 3314.021 and 3314.027 39646
of the Revised Code, no entity listed in division (C)(1) of 39647
section 3314.02 of the Revised Code shall enter into a preliminary 39648
agreement under division (C)(2) of section 3314.02 of the Revised 39649
Code until it has received approval from the department of 39650
education to sponsor community schools under this chapter and has 39651
entered into a written agreement with the department regarding the 39652
manner in which the entity will conduct such sponsorship. The 39653
department shall adopt in accordance with Chapter 119. of the 39654
Revised Code rules containing criteria, procedures, and deadlines 39655
for processing applications for such approval, for oversight of 39656
sponsors, for imposing temporary limits on sponsors under division 39657
(F) of this section, for revocation of the approval of sponsors 39658
under division (C) of this section, and for entering into written 39659
agreements with sponsors. The rules shall require an entity to 39660
submit evidence of the entity's ability and willingness to comply 39661
with the provisions of division (D) of section 3314.03 of the 39662
Revised Code. The rules also shall require entities approved as 39663
sponsors on and after June 30, 2005, to demonstrate a record of 39664
financial responsibility and successful implementation of 39665
educational programs. If an entity seeking approval on or after 39666
June 30, 2005, to sponsor community schools in this state sponsors 39667
or operates schools in another state, at least one of the schools 39668
sponsored or operated by the entity must be comparable to or 39669
better than the performance of Ohio schools in need of continuous 39670
improvement under section 3302.03 of the Revised Code, as 39671
determined by the department. 39672

Subject to section 3314.016 of the Revised Code, an entity 39673
that sponsors community schools may enter into preliminary 39674

agreements and sponsor up to one hundred schools, provided each 39675
school and the contract for sponsorship meets the requirements of 39676
this chapter. 39677

(2) The state board of education shall determine, pursuant to 39678
criteria specified in rules adopted in accordance with Chapter 39679
119. of the Revised Code, whether the mission proposed to be 39680
specified in the contract of a community school to be sponsored by 39681
a state university board of trustees or the board's designee under 39682
division (C)(1)(e) of section 3314.02 of the Revised Code complies 39683
with the requirements of that division. Such determination of the 39684
state board is final. 39685

(3) The state board of education shall determine, pursuant to 39686
criteria specified in rules adopted in accordance with Chapter 39687
119. of the Revised Code, if any tax-exempt entity under section 39688
501(c)(3) of the Internal Revenue Code that is proposed to be a 39689
sponsor of a community school is an education-oriented entity for 39690
purpose of satisfying the condition prescribed in division 39691
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 39692
determination of the state board is final. 39693

(C) If at any time the state board of education finds that a 39694
sponsor is not in compliance or is no longer willing to comply 39695
with its contract with any community school or with the 39696
department's rules for sponsorship, the state board or designee 39697
shall conduct a hearing in accordance with Chapter 119. of the 39698
Revised Code on that matter. If after the hearing, the state board 39699
or designee has confirmed the original finding, the department of 39700
education may revoke the sponsor's approval to sponsor community 39701
schools. In that case, the department's office of Ohio school 39702
sponsorship, established under section 3314.029 of the Revised 39703
Code, may assume the sponsorship of any schools with which the 39704
sponsor has contracted until the earlier of the expiration of two 39705
school years or until a new sponsor as described in division 39706

(C)(1) of section 3314.02 of the Revised Code is secured by the school's governing authority. The office of Ohio school sponsorship may extend the term of the contract in the case of a school for which it has assumed sponsorship under this division as necessary to accommodate the term of the department's authorization to sponsor the school specified in this division. Community schools sponsored under this division shall not apply to the limit on directly authorized community schools under division (A)(3) of section 3314.029 of the Revised Code. However, nothing in this division shall preclude a community school affected by this division from applying for sponsorship under that section.

(D) The decision of the department to disapprove an entity for sponsorship of a community school or to revoke approval for such sponsorship under division (C) of this section, may be appealed by the entity in accordance with section 119.12 of the Revised Code.

(E) The department shall adopt procedures for use by a community school governing authority and sponsor when the school permanently closes and ceases operation, which shall include at least procedures for data reporting to the department, handling of student records, distribution of assets in accordance with section 3314.074 of the Revised Code, and other matters related to ceasing operation of the school.

(F) In lieu of revoking a sponsor's authority to sponsor community schools under division (C) of this section, if the department finds that a sponsor is not in compliance with applicable laws and administrative rules, the department may require the sponsor to remedy the conditions causing the sponsor not to be compliant and may place temporary limits on the breadth and scope of the sponsor's authority until the sponsor implements remedies to the satisfaction of the department.

(G) In carrying out its duties under this chapter, the

department shall not impose requirements on community schools or 39739
their sponsors that are not permitted by law or duly adopted 39740
rules. 39741

Sec. 3314.029. This section establishes the Ohio school 39742
sponsorship program. The department of education shall establish 39743
an office of Ohio school sponsorship to perform the department's 39744
duties prescribed by this section. 39745

(A)(1) Notwithstanding anything to the contrary in this 39746
chapter, but subject to section 3314.20 of the Revised Code, any 39747
person, group of individuals, or entity may apply to the 39748
department for direct authorization to establish a community 39749
school and, upon approval of the application, may establish the 39750
school. Notwithstanding anything to the contrary in this chapter, 39751
the governing authority of an existing community school, upon the 39752
expiration or termination of its contract with the school's 39753
sponsor entered into under section 3314.03 of the Revised Code, 39754
may apply to the department for direct authorization to continue 39755
operating the school and, upon approval of the application, may 39756
continue to operate the school. 39757

Each application submitted to the department shall include 39758
the following: 39759

(a) Evidence that the applicant will be able to comply with 39760
division (C) of this section; 39761

(b) A statement indicating that the applicant agrees to 39762
comply with all applicable provisions of this chapter, including 39763
the requirement to be established as a nonprofit corporation or 39764
public benefit corporation in accordance with division (A)(1) of 39765
section 3314.03 of the Revised Code; 39766

(c) A statement attesting that no unresolved finding of 39767
recovery has been issued by the auditor of state against any 39768

person, group of individuals, or entity that is a party to the 39769
application and that no person who is party to the application has 39770
been a member of the governing authority of any community school 39771
that has permanently closed and against which an unresolved 39772
finding of recovery has been issued by the auditor of state. In 39773
the case of an application submitted by the governing authority of 39774
an existing community school, a person who is party to the 39775
application shall include each individual member of that governing 39776
authority. 39777

(d) A statement that the school will be nonsectarian in its 39778
programs, admission policies, employment practices, and all other 39779
operations, and will not be operated by a sectarian school or 39780
religious institution; 39781

(e) A statement of whether the school is to be created by 39782
converting all or part of an existing public school or educational 39783
service center building or is to be a new start-up school. If it 39784
is a converted public school or service center building, the 39785
statement shall include a specification of any duties or 39786
responsibilities of an employer that the board of education or 39787
service center governing board that operated the school or 39788
building before conversion is delegating to the governing 39789
authority of the community school with respect to all or any 39790
specified group of employees, provided the delegation is not 39791
prohibited by a collective bargaining agreement applicable to such 39792
employees. 39793

(f) A statement that the school's teachers will be licensed 39794
in the manner prescribed by division (A)(10) of section 3314.03 of 39795
the Revised Code; 39796

(g) A statement that the school will comply with all of the 39797
provisions of law enumerated in divisions (A)(11)(d) and (e) of 39798
section 3314.03 of the Revised Code and of division (A)(11)(h) of 39799
that section, if applicable; 39800

(h) A statement that the school's graduation and curriculum requirements will comply with division (A)(11)(f) of section 3314.03 of the Revised Code; 39801 39802 39803

(i) A description of each of the following: 39804

(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, the ages and grade levels of students, and the focus of the curriculum; 39805 39806 39807 39808

(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code; 39809 39810 39811

(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code; 39812 39813 39814

(iv) The school's business plan, including a five-year financial forecast; 39815 39816

(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school; 39817 39818 39819

(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 39820 39821 39822 39823

(vii) The facilities to be used by the school and their locations; 39824 39825

(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division ~~(L)~~(H)(2) of section 3314.08 of the 39826 39827 39828 39829 39830

Revised Code. 39831

(2) Subject to division (A)(3) of this section, the 39832
department shall approve each application, unless, within thirty 39833
days after receipt of the application, the department determines 39834
that the application does not satisfy the requirements of division 39835
(A)(1) of this section and provides the applicant a written 39836
explanation of the reasons for the determination. In that case, 39837
the department shall grant the applicant thirty days to correct 39838
the insufficiencies in the application. If the department 39839
determines that the insufficiencies have been corrected, it shall 39840
approve the application. If the department determines that the 39841
insufficiencies have not been corrected, it shall deny the 39842
application and provide the applicant with a written explanation 39843
of the reasons for the denial. The denial of an application may be 39844
appealed in accordance with section 119.12 of the Revised Code. 39845

(3) For each of five school years, beginning with the school 39846
year that begins in the calendar year in which this section takes 39847
effect, the department may approve up to twenty applications for 39848
community schools to be established or to continue operation under 39849
division (A) of this section; however, of the twenty applications 39850
that may be approved each school year, only up to five may be for 39851
the establishment of new schools. 39852

(4) Notwithstanding division (A)(2) of this section, the 39853
department may deny an application submitted by the governing 39854
authority of an existing community school, if a previous sponsor 39855
of that school did not renew its contract with the school entered 39856
into under section 3314.03 of the Revised Code. 39857

(B) The department and the governing authority of each 39858
community school authorized under this section shall enter into a 39859
contract under section 3314.03 of the Revised Code. 39860
Notwithstanding division (A)(13) of that section, the contract 39861
with an existing community school may begin at any time during the 39862

academic year. The length of the initial contract of any community 39863
school under this section may be for any term up to five years. 39864
The contract may be renewed in accordance with division (E) of 39865
that section. The contract may provide for the school's governing 39866
authority to pay a fee for oversight and monitoring of the school 39867
that does not exceed three per cent of the total amount of 39868
payments for operating expenses that the school receives from the 39869
state. 39870

(C) The department may require a community school authorized 39871
under this section to post and file with the superintendent of 39872
public instruction a bond payable to the state or to file with the 39873
state superintendent a guarantee, which shall be used to pay the 39874
state any moneys owed by the community school in the event the 39875
school closes. 39876

(D) Except as otherwise provided in this section, a community 39877
school authorized under this section shall comply with all 39878
applicable provisions of this chapter. The department may take any 39879
action that a sponsor may take under this chapter to enforce the 39880
school's compliance with this division and the terms of the 39881
contract entered into under division (B) of this section. 39882

(E) Not later than December 31, 2012, and annually 39883
thereafter, the department shall issue a report on the program, 39884
including information about the number of community schools 39885
participating in the program and their compliance with the 39886
provisions of this chapter. In its fifth report, the department 39887
shall include a complete evaluation of the program and 39888
recommendations regarding the program's continuation. Each report 39889
shall be provided to the general assembly, in accordance with 39890
section 101.68 of the Revised Code, and to the governor. 39891

Sec. 3314.03. A copy of every contract entered into under 39892
this section shall be filed with the superintendent of public 39893

instruction. The department of education shall make available on 39894
its web site a copy of every approved, executed contract filed 39895
with the superintendent under this section. 39896

(A) Each contract entered into between a sponsor and the 39897
governing authority of a community school shall specify the 39898
following: 39899

(1) That the school shall be established as either of the 39900
following: 39901

(a) A nonprofit corporation established under Chapter 1702. 39902
of the Revised Code, if established prior to April 8, 2003; 39903

(b) A public benefit corporation established under Chapter 39904
1702. of the Revised Code, if established after April 8, 2003. 39905

(2) The education program of the school, including the 39906
school's mission, the characteristics of the students the school 39907
is expected to attract, the ages and grades of students, and the 39908
focus of the curriculum; 39909

(3) The academic goals to be achieved and the method of 39910
measurement that will be used to determine progress toward those 39911
goals, which shall include the statewide achievement assessments; 39912

(4) Performance standards by which the success of the school 39913
will be evaluated by the sponsor; 39914

(5) The admission standards of section 3314.06 of the Revised 39915
Code and, if applicable, section 3314.061 of the Revised Code; 39916

(6)(a) Dismissal procedures; 39917

(b) A requirement that the governing authority adopt an 39918
attendance policy that includes a procedure for automatically 39919
withdrawing a student from the school if the student without a 39920
legitimate excuse fails to participate in one hundred five 39921
consecutive hours of the learning opportunities offered to the 39922
student. 39923

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	39924 39925
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	39926 39927 39928 39929 39930 39931
(9) The facilities to be used and their locations;	39932
(10) Qualifications of teachers, including the following:	39933
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	39934 39935 39936 39937 39938
(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.	39939 39940 39941 39942 39943
(11) That the school will comply with the following requirements:	39944 39945
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	39946 39947 39948
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	39949 39950 39951
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other	39952 39953

operations, and will not be operated by a sectarian school or 39954
religious institution. 39955

(d) The school will comply with sections 9.90, 9.91, 109.65, 39956
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 39957
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, 39958
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 39959
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 39960
3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 39961
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 39962
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 39963
3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 39964
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 39965
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 39966
4123., 4141., and 4167. of the Revised Code as if it were a school 39967
district and will comply with section 3301.0714 of the Revised 39968
Code in the manner specified in section 3314.17 of the Revised 39969
Code. 39970

(e) The school shall comply with Chapter 102. and section 39971
2921.42 of the Revised Code. 39972

(f) The school will comply with sections 3313.61, 3313.611, 39973
and 3313.614 of the Revised Code, except that for students who 39974
enter ninth grade for the first time before July 1, 2010, the 39975
requirement in sections 3313.61 and 3313.611 of the Revised Code 39976
that a person must successfully complete the curriculum in any 39977
high school prior to receiving a high school diploma may be met by 39978
completing the curriculum adopted by the governing authority of 39979
the community school rather than the curriculum specified in Title 39980
XXXIII of the Revised Code or any rules of the state board of 39981
education. Beginning with students who enter ninth grade for the 39982
first time on or after July 1, 2010, the requirement in sections 39983
3313.61 and 3313.611 of the Revised Code that a person must 39984
successfully complete the curriculum of a high school prior to 39985

receiving a high school diploma shall be met by completing the 39986
Ohio core curriculum prescribed in division (C) of section 39987
3313.603 of the Revised Code, unless the person qualifies under 39988
division (D) or (F) of that section. Each school shall comply with 39989
the plan for awarding high school credit based on demonstration of 39990
subject area competency, adopted by the state board of education 39991
under division (J) of section 3313.603 of the Revised Code. 39992

(g) The school governing authority will submit within four 39993
months after the end of each school year a report of its 39994
activities and progress in meeting the goals and standards of 39995
divisions (A)(3) and (4) of this section and its financial status 39996
to the sponsor and the parents of all students enrolled in the 39997
school. 39998

(h) The school, unless it is an internet- or computer-based 39999
community school, will comply with section 3313.801 of the Revised 40000
Code as if it were a school district. 40001

(i) If the school is the recipient of moneys from a grant 40002
awarded under the federal race to the top program, Division (A), 40003
Title XIV, Sections 14005 and 14006 of the "American Recovery and 40004
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 40005
school will pay teachers based upon performance in accordance with 40006
section 3317.141 and will comply with section 3319.111 of the 40007
Revised Code as if it were a school district. 40008

(12) Arrangements for providing health and other benefits to 40009
employees; 40010

(13) The length of the contract, which shall begin at the 40011
beginning of an academic year. No contract shall exceed five years 40012
unless such contract has been renewed pursuant to division (E) of 40013
this section. 40014

(14) The governing authority of the school, which shall be 40015
responsible for carrying out the provisions of the contract; 40016

(15) A financial plan detailing an estimated school budget 40017
for each year of the period of the contract and specifying the 40018
total estimated per pupil expenditure amount for each such year. 40019
~~The plan shall specify for each year the base formula amount that~~ 40020
~~will be used for purposes of funding calculations under section~~ 40021
~~3314.08 of the Revised Code. This base formula amount for any year~~ 40022
~~shall not exceed the formula amount defined under section 3317.02~~ 40023
~~of the Revised Code. The plan may also specify for any year a~~ 40024
~~percentage figure to be used for reducing the per pupil amount of~~ 40025
~~the subsidy calculated pursuant to section 3317.029 of the Revised~~ 40026
~~Code the school is to receive that year under section 3314.08 of~~ 40027
~~the Revised Code.~~ 40028

(16) Requirements and procedures regarding the disposition of 40029
employees of the school in the event the contract is terminated or 40030
not renewed pursuant to section 3314.07 of the Revised Code; 40031

(17) Whether the school is to be created by converting all or 40032
part of an existing public school or educational service center 40033
building or is to be a new start-up school, and if it is a 40034
converted public school or service center building, specification 40035
of any duties or responsibilities of an employer that the board of 40036
education or service center governing board that operated the 40037
school or building before conversion is delegating to the 40038
governing authority of the community school with respect to all or 40039
any specified group of employees provided the delegation is not 40040
prohibited by a collective bargaining agreement applicable to such 40041
employees; 40042

(18) Provisions establishing procedures for resolving 40043
disputes or differences of opinion between the sponsor and the 40044
governing authority of the community school; 40045

(19) A provision requiring the governing authority to adopt a 40046
policy regarding the admission of students who reside outside the 40047
district in which the school is located. That policy shall comply 40048

with the admissions procedures specified in sections 3314.06 and 40049
3314.061 of the Revised Code and, at the sole discretion of the 40050
authority, shall do one of the following: 40051

(a) Prohibit the enrollment of students who reside outside 40052
the district in which the school is located; 40053

(b) Permit the enrollment of students who reside in districts 40054
adjacent to the district in which the school is located; 40055

(c) Permit the enrollment of students who reside in any other 40056
district in the state. 40057

(20) A provision recognizing the authority of the department 40058
of education to take over the sponsorship of the school in 40059
accordance with the provisions of division (C) of section 3314.015 40060
of the Revised Code; 40061

(21) A provision recognizing the sponsor's authority to 40062
assume the operation of a school under the conditions specified in 40063
division (B) of section 3314.073 of the Revised Code; 40064

(22) A provision recognizing both of the following: 40065

(a) The authority of public health and safety officials to 40066
inspect the facilities of the school and to order the facilities 40067
closed if those officials find that the facilities are not in 40068
compliance with health and safety laws and regulations; 40069

(b) The authority of the department of education as the 40070
community school oversight body to suspend the operation of the 40071
school under section 3314.072 of the Revised Code if the 40072
department has evidence of conditions or violations of law at the 40073
school that pose an imminent danger to the health and safety of 40074
the school's students and employees and the sponsor refuses to 40075
take such action. 40076

(23) A description of the learning opportunities that will be 40077
offered to students including both classroom-based and 40078

non-classroom-based learning opportunities that is in compliance 40079
with criteria for student participation established by the 40080
department under division ~~(L)~~(H)(2) of section 3314.08 of the 40081
Revised Code; 40082

(24) The school will comply with sections 3302.04 and 40083
3302.041 of the Revised Code, except that any action required to 40084
be taken by a school district pursuant to those sections shall be 40085
taken by the sponsor of the school. However, the sponsor shall not 40086
be required to take any action described in division (F) of 40087
section 3302.04 of the Revised Code. 40088

(25) Beginning in the 2006-2007 school year, the school will 40089
open for operation not later than the thirtieth day of September 40090
each school year, unless the mission of the school as specified 40091
under division (A)(2) of this section is solely to serve dropouts. 40092
In its initial year of operation, if the school fails to open by 40093
the thirtieth day of September, or within one year after the 40094
adoption of the contract pursuant to division (D) of section 40095
3314.02 of the Revised Code if the mission of the school is solely 40096
to serve dropouts, the contract shall be void. 40097

(B) The community school shall also submit to the sponsor a 40098
comprehensive plan for the school. The plan shall specify the 40099
following: 40100

(1) The process by which the governing authority of the 40101
school will be selected in the future; 40102

(2) The management and administration of the school; 40103

(3) If the community school is a currently existing public 40104
school or educational service center building, alternative 40105
arrangements for current public school students who choose not to 40106
attend the converted school and for teachers who choose not to 40107
teach in the school or building after conversion; 40108

(4) The instructional program and educational philosophy of 40109

the school; 40110

(5) Internal financial controls. 40111

(C) A contract entered into under section 3314.02 of the 40112
Revised Code between a sponsor and the governing authority of a 40113
community school may provide for the community school governing 40114
authority to make payments to the sponsor, which is hereby 40115
authorized to receive such payments as set forth in the contract 40116
between the governing authority and the sponsor. The total amount 40117
of such payments for oversight and monitoring of the school shall 40118
not exceed three per cent of the total amount of payments for 40119
operating expenses that the school receives from the state. 40120

(D) The contract shall specify the duties of the sponsor 40121
which shall be in accordance with the written agreement entered 40122
into with the department of education under division (B) of 40123
section 3314.015 of the Revised Code and shall include the 40124
following: 40125

(1) Monitor the community school's compliance with all laws 40126
applicable to the school and with the terms of the contract; 40127

(2) Monitor and evaluate the academic and fiscal performance 40128
and the organization and operation of the community school on at 40129
least an annual basis; 40130

(3) Report on an annual basis the results of the evaluation 40131
conducted under division (D)(2) of this section to the department 40132
of education and to the parents of students enrolled in the 40133
community school; 40134

(4) Provide technical assistance to the community school in 40135
complying with laws applicable to the school and terms of the 40136
contract; 40137

(5) Take steps to intervene in the school's operation to 40138
correct problems in the school's overall performance, declare the 40139

school to be on probationary status pursuant to section 3314.073 40140
of the Revised Code, suspend the operation of the school pursuant 40141
to section 3314.072 of the Revised Code, or terminate the contract 40142
of the school pursuant to section 3314.07 of the Revised Code as 40143
determined necessary by the sponsor; 40144

(6) Have in place a plan of action to be undertaken in the 40145
event the community school experiences financial difficulties or 40146
closes prior to the end of a school year. 40147

(E) Upon the expiration of a contract entered into under this 40148
section, the sponsor of a community school may, with the approval 40149
of the governing authority of the school, renew that contract for 40150
a period of time determined by the sponsor, but not ending earlier 40151
than the end of any school year, if the sponsor finds that the 40152
school's compliance with applicable laws and terms of the contract 40153
and the school's progress in meeting the academic goals prescribed 40154
in the contract have been satisfactory. Any contract that is 40155
renewed under this division remains subject to the provisions of 40156
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 40157

(F) If a community school fails to open for operation within 40158
one year after the contract entered into under this section is 40159
adopted pursuant to division (D) of section 3314.02 of the Revised 40160
Code or permanently closes prior to the expiration of the 40161
contract, the contract shall be void and the school shall not 40162
enter into a contract with any other sponsor. A school shall not 40163
be considered permanently closed because the operations of the 40164
school have been suspended pursuant to section 3314.072 of the 40165
Revised Code. 40166

Sec. 3314.042. The governing authority of each community 40167
school shall comply with the standards for financial reporting 40168
adopted under division (B)(2) of section 3301.07 of the Revised 40169
Code. 40170

Sec. 3314.074. Divisions (A) and (B) of this section apply 40171
only to the extent permitted under Chapter 1702. of the Revised 40172
Code. 40173

(A) If any community school established under this chapter 40174
permanently closes and ceases its operation as a community school, 40175
the assets of that school shall be distributed first to the 40176
retirement funds of employees of the school, employees of the 40177
school, and private creditors who are owed compensation, and then 40178
any remaining funds shall be paid to the department of education 40179
for redistribution to the school districts in which the students 40180
who were enrolled in the school at the time it ceased operation 40181
were entitled to attend school under section 3313.64 or 3313.65 of 40182
the Revised Code. The amount distributed to each school district 40183
shall be proportional to the district's share of the total 40184
enrollment in the community school. 40185

(B) If a community school closes and ceases to operate as a 40186
community school and the school has received computer hardware or 40187
software from the former Ohio SchoolNet commission or the former 40188
eTech Ohio commission, such hardware or software shall be ~~returned~~ 40189
turned over to the ~~eTech Ohio commission~~ department of education, 40190
~~and the eTech Ohio commission~~ which shall redistribute the 40191
hardware and software, to the extent such redistribution is 40192
possible, to school districts in conformance with the provisions 40193
of the programs operated and administered by the eTech Ohio 40194
commission. 40195

(C) If the assets of the school are insufficient to pay all 40196
persons or entities to whom compensation is owed, the 40197
prioritization of the distribution of the assets to individual 40198
persons or entities within each class of payees may be determined 40199
by decree of a court in accordance with this section and Chapter 40200
1702. of the Revised Code. 40201

Sec. 3314.08. ~~The deductions under division (C) and the~~ 40202
~~payments under division (D) of this section for fiscal years 2012~~ 40203
~~and 2013 shall be made in accordance with section 3314.088 of the~~ 40204
~~Revised Code.~~ 40205

(A) As used in this section: 40206

(1) ~~"Base formula amount" means the amount specified as such~~ 40207
~~in a community school's financial plan for a school year pursuant~~ 40208
~~to division (A)(15) of section 3314.03 of the Revised Code.~~ 40209

~~(2) "IEP" has the same meaning as in section 3323.01 of the~~ 40210
~~Revised Code.~~ 40211

~~(3) "Applicable special education weight" means the multiple~~ 40212
~~specified in section 3317.013 of the Revised Code for a disability~~ 40213
~~described in that section.~~ 40214

~~(4) "Applicable vocational education weight" means:~~ 40215

~~(a) For a student enrolled in vocational education programs~~ 40216
~~or classes described in division (A) of section 3317.014 of the~~ 40217
~~Revised Code, the multiple specified in that division;~~ 40218

~~(b) For a student enrolled in vocational education programs~~ 40219
~~or classes described in division (B) of section 3317.014 of the~~ 40220
~~Revised Code, the multiple specified in that division.~~ 40221

~~(5) "Entitled to attend school" means entitled to attend~~ 40222
~~school in a district under section 3313.64 or 3313.65 of the~~ 40223
~~Revised Code.~~ 40224

~~(6) A community school student is "included in the poverty~~ 40225
~~student count" of a school district if the student is entitled to~~ 40226
~~attend school in the district and the student's family receives~~ 40227
~~assistance under the Ohio works first program.~~ 40228

~~(7) "Poverty-based assistance reduction factor" means the~~ 40229
~~percentage figure, if any, for reducing the per pupil amount of~~ 40230

~~poverty-based assistance a community school is entitled to receive~~ 40231
~~pursuant to divisions (D)(5) to (9) of this section in any year,~~ 40232
~~as specified in the school's financial plan for the year pursuant~~ 40233
~~to division (A)(15) of section 3314.03 of the Revised Code.~~ 40234

~~(8) "All-day kindergarten" has the same meaning as in section~~ 40235
~~3321.05 of the Revised Code.~~ 40236

~~(9)(a) "Category one limited English proficient student"~~ 40237
~~means a limited English proficient student described in division~~ 40238
~~(A) of section 3317.016 of the Revised Code.~~ 40239

~~(b) "Category two limited English proficient student" means a~~ 40240
~~limited English proficient student described in division (B) of~~ 40241
~~section 3317.016 of the Revised Code.~~ 40242

~~(c) "Category three limited English proficient student" means~~ 40243
~~a limited English proficient student described in division (C) of~~ 40244
~~section 3317.016 of the Revised Code.~~ 40245

~~(d) "Category four limited English proficient student" means~~ 40246
~~a limited English proficient student described in division (D) of~~ 40247
~~section 3317.016 of the Revised Code.~~ 40248

~~(2)(a) "Category one special education student" means a~~ 40249
~~student who is receiving special education services for a~~ 40250
~~disability specified in division (A) of section 3317.013 of the~~ 40251
~~Revised Code.~~ 40252

~~(b) "Category two special education student" means a student~~ 40253
~~who is receiving special education services for a disability~~ 40254
~~specified in division (B) of section 3317.013 of the Revised Code.~~ 40255

~~(c) "Category three special education student" means a~~ 40256
~~student who is receiving special education services for a~~ 40257
~~disability specified in division (C) of section 3317.013 of the~~ 40258
~~Revised Code.~~ 40259

~~(d) "Category four special education student" means a student~~ 40260

who is receiving special education services for a disability 40261
specified in division (D) of section 3317.013 of the Revised Code. 40262

(e) "Category five special education student" means a student 40263
who is receiving special education services for a disability 40264
specified in division (E) of section 3317.013 of the Revised Code. 40265

(f) "Category six special education student" means a student 40266
who is receiving special education services for a disability 40267
specified in division (F) of section 3317.013 of the Revised Code. 40268

(3) "IEP" has the same meaning as in section 3323.01 of the 40269
Revised Code. 40270

(4) "Resident district" means the school district in which a 40271
student is entitled to attend school under section 3313.64 or 40272
3313.65 of the Revised Code. 40273

(5) "State education aid" has the same meaning as in section 40274
5751.20 of the Revised Code. 40275

(B) The state board of education shall adopt rules requiring 40276
both of the following: 40277

(1) The board of education of each city, exempted village, 40278
and local school district to annually report the number of 40279
students entitled to attend school in the district who are 40280
enrolled in ~~grades one~~ each grade kindergarten through twelve in a 40281
community school established under this chapter, ~~the number of~~ 40282
~~students entitled to attend school in the district who are~~ 40283
~~enrolled in kindergarten in a community school, the number of~~ 40284
~~those kindergartners who are enrolled in all-day kindergarten in~~ 40285
~~their community school,~~ and for each child, the community school 40286
in which the child is enrolled. 40287

(2) The governing authority of each community school 40288
established under this chapter to annually report all of the 40289
following: 40290

(a) The number of students enrolled in grades one through 40291
twelve and the full-time equivalent number of students enrolled in 40292
kindergarten in the school who are not receiving special education 40293
and related services pursuant to an IEP; 40294

(b) The number of enrolled students in grades one through 40295
twelve and the full-time equivalent number of enrolled students in 40296
kindergarten, who are receiving special education and related 40297
services pursuant to an IEP; 40298

(c) The number of students reported under division (B)(2)(b) 40299
of this section receiving special education and related services 40300
pursuant to an IEP for a disability described in each of divisions 40301
(A) to (F) of section 3317.013 of the Revised Code; 40302

(d) The full-time equivalent number of students reported 40303
under divisions (B)(2)(a) and (b) of this section who are enrolled 40304
in ~~vocational~~ career-technical education programs or classes 40305
described in each of divisions (A) ~~and (B)~~ to (E) of section 40306
3317.014 of the Revised Code that are provided by the community 40307
school; 40308

(e) Twenty per cent of the number of students reported under 40309
divisions (B)(2)(a) and (b) of this section who are not reported 40310
under division (B)(2)(d) of this section but who are enrolled in 40311
~~vocational~~ career-technical education programs or classes 40312
described in each of divisions (A) ~~and (B)~~ to (E) of section 40313
3317.014 of the Revised Code at a joint vocational school district 40314
~~under a contract between the community school and the joint~~ 40315
~~vocational school district and are entitled to attend school in a~~ 40316
~~city, local, or exempted village school district whose territory~~ 40317
~~is part of the territory of the joint vocational school district~~ 40318
or another district in the career-technical planning district to 40319
which the school is assigned; 40320

(f) ~~The number of enrolled preschool children with~~ 40321

~~disabilities receiving special education services in a~~ 40322
~~state-funded unit;~~ 40323

~~(g) The community school's base formula amount;~~ 40324

~~(h) The number of students reported under divisions (B)(2)(a)~~ 40325
~~and (b) of this section who are category one to four limited~~ 40326
~~English proficiency students described in each of divisions (A) to~~ 40327
~~(D) of section 3317.016 of the Revised Code;~~ 40328

~~(g) The number of students reported under divisions (B)(2)(a)~~ 40329
~~and (b) who are economically disadvantaged, as defined by the~~ 40330
~~department;~~ 40331

~~(h) For each student, the city, exempted village, or local~~ 40332
~~school district in which the student is entitled to attend school;~~ 40333

~~(i) Any poverty-based assistance reduction factor that~~ 40334
~~applies to a school year under section 3313.64 or 3313.65 of the~~ 40335
~~Revised Code.~~ 40336

A school district board and a community school governing 40337
authority shall include in their respective reports under division 40338
(B) of this section any child admitted in accordance with division 40339
(A)(2) of section 3321.01 of the Revised Code. 40340

~~(C) From the state education aid calculated for a city,~~ 40341
~~exempted village, or local school district and, if necessary, from~~ 40342
~~the payment made to the district under sections 321.24 and 323.156~~ 40343
~~of the Revised Code, the department of education shall annually~~ 40344
~~subtract the sum of the amounts described in divisions (C)(1) to~~ 40345
~~(9) of this section. However, when deducting payments on behalf of~~ 40346
~~students enrolled in internet or computer-based community~~ 40347
~~schools, the department shall deduct only those amounts described~~ 40348
~~in divisions (C)(1) and (2) of this section. Furthermore, the~~ 40349
~~aggregate amount deducted under this division shall not exceed the~~ 40350
~~sum of the district's state education aid and its payment under~~ 40351
~~sections 321.24 and 323.156 of the Revised Code.~~ 40352

~~(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (c) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the sum of the base formula amount of that community school plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~

~~(2) The sum of the amounts calculated under divisions (C)(2)(a) and (b) of this section.~~

~~(a) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in a community school in grades one through twelve and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, the product of the applicable special education weight times the community school's base formula amount;~~

~~(b) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in kindergarten in a community school and receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the Revised Code, one-half of the amount calculated as prescribed in division (C)(2)(a) of this section.~~

~~(3) For each of the district's students reported under division (B)(2)(d) of this section for whom payment is made under division (D)(4) of this section, the amount of that payment;~~

~~(4) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students enrolled in that~~

~~community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty-based assistance the school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of that community school. The per pupil amount of that aid for the district shall be calculated by the department.~~

~~(5) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;~~

~~(b) One-half of the district's students who are enrolled in all-day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP;~~

~~(c) One-half of the district's students who are enrolled in all-day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.~~

~~The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.~~

~~(6) An amount equal to the sum of the amounts obtained when,~~

~~for each community school where the district's students are 40415
enrolled, the district's per pupil amount received under division 40416
(F) of section 3317.029 of the Revised Code, as adjusted by any 40417
poverty based assistance reduction factor of that community 40418
school, is multiplied by the number of the district's students 40419
enrolled in the community school who are identified as 40420
limited English proficient. 40421~~

~~(7) An amount equal to the sum of the amounts obtained when, 40422
for each community school where the district's students are 40423
enrolled, the district's per pupil amount received under division 40424
(G) of section 3317.029 of the Revised Code, as adjusted by any 40425
poverty based assistance reduction factor of that community 40426
school, is multiplied by the sum of the following: 40427~~

~~(a) The number of the district's students enrolled in grades 40428
one through twelve in that community school; 40429~~

~~(b) One half of the number of the district's students 40430
enrolled in kindergarten in that community school. 40431~~

~~The district's per pupil amount under division (G) of section 40432
3317.029 of the Revised Code is the district's amount per teacher 40433
calculated under division (G)(1) or (2) of that section divided by 40434
17. 40435~~

~~(8) An amount equal to the sum of the amounts obtained when, 40436
for each community school where the district's students are 40437
enrolled, the district's per pupil amount received under divisions 40438
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 40439
by any poverty based assistance reduction factor of that community 40440
school, is multiplied by the sum of the following: 40441~~

~~(a) The number of the district's students enrolled in grades 40442
one through twelve in that community school; 40443~~

~~(b) One half of the number of the district's students 40444
enrolled in kindergarten in that community school. 40445~~

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.~~

~~(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one-half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.~~

~~(D) The department shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet or computer-based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under those divisions for the students entitled to attend school in that district.~~

~~(1) An amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus~~

~~one half of the kindergarten students in the school, reported 40478
under divisions (B)(2)(a), (b), and (c) of this section who are 40479
not receiving special education and related services pursuant to 40480
an IEP for a disability described in section 3317.013 of the 40481
Revised Code is multiplied by the sum of the community school's 40482
base formula amount plus the per pupil amount of the base funding 40483
supplements specified in divisions (C)(1) to (4) of section 40484
3317.012 of the Revised Code. 40485~~

~~(2) The sum of the following amounts: 40486~~

~~(a) For each student reported under division (B)(2)(c) of 40487
this section as enrolled in the school in grades one through 40488
twelve and receiving special education and related services 40489
pursuant to an IEP for a disability described in section 3317.013 40490
of the Revised Code, the following amount: 40491~~

~~(the school's base formula amount plus 40492
the per pupil amount of the base funding supplements specified in 40493
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 40494
+ (the applicable special education weight X the 40495
community school's base formula amount); 40496~~

~~(b) For each student reported under division (B)(2)(c) of 40497
this section as enrolled in kindergarten and receiving special 40498
education and related services pursuant to an IEP for a disability 40499
described in section 3317.013 of the Revised Code, one half of the 40500
amount calculated under the formula prescribed in division 40501
(D)(2)(a) of this section. 40502~~

~~(3) An amount received from federal funds to provide special 40503
education and related services to students in the community 40504
school, as determined by the superintendent of public instruction. 40505~~

~~(4) For each student reported under division (B)(2)(d) of 40506
this section as enrolled in vocational education programs or 40507
classes that are described in section 3317.014 of the Revised 40508~~

~~Code, are provided by the community school, and are comparable as 40509~~
~~determined by the superintendent of public instruction to school 40510~~
~~district vocational education programs and classes eligible for 40511~~
~~state weighted funding under section 3317.014 of the Revised Code, 40512~~
~~an amount equal to the applicable vocational education weight 40513~~
~~times the community school's base formula amount times the 40514~~
~~percentage of time the student spends in the vocational education 40515~~
~~programs or classes. 40516~~

~~(5) An amount equal to the sum of the amounts obtained when, 40517~~
~~for each school district where the community school's students are 40518~~
~~entitled to attend school, the number of that district's students 40519~~
~~enrolled in the community school who are included in the 40520~~
~~district's poverty student count is multiplied by the per pupil 40521~~
~~amount of poverty based assistance that school district receives 40522~~
~~that year pursuant to division (C) of section 3317.029 of the 40523~~
~~Revised Code, as adjusted by any poverty based assistance 40524~~
~~reduction factor of the community school. The per pupil amount of 40525~~
~~aid shall be determined as described in division (C)(4) of this 40526~~
~~section. 40527~~

~~(6) An amount equal to the sum of the amounts obtained when, 40528~~
~~for each school district where the community school's students are 40529~~
~~entitled to attend school, the district's per pupil amount of aid 40530~~
~~received under division (E) of section 3317.029 of the Revised 40531~~
~~Code, as adjusted by any poverty based assistance reduction factor 40532~~
~~of the community school, is multiplied by the sum of the 40533~~
~~following: 40534~~

~~(a) The number of the district's students reported under 40535~~
~~division (B)(2)(a) of this section who are enrolled in grades one 40536~~
~~to three in that community school and who are not receiving 40537~~
~~special education and related services pursuant to an IEP; 40538~~

~~(b) One half of the district's students who are enrolled in 40539~~
~~all day or any other kindergarten class in that community school 40540~~

~~and who are not receiving special education and related services~~ 40541
~~pursuant to an IEP;~~ 40542

~~(c) One half of the district's students who are enrolled in~~ 40543
~~all day kindergarten in that community school and who are not~~ 40544
~~receiving special education and related services pursuant to an~~ 40545
~~IEP.~~ 40546

~~The district's per pupil amount of aid under division (E) of~~ 40547
~~section 3317.029 of the Revised Code shall be determined as~~ 40548
~~described in division (C)(5) of this section.~~ 40549

~~(7) An amount equal to the sum of the amounts obtained when,~~ 40550
~~for each school district where the community school's students are~~ 40551
~~entitled to attend school, the number of that district's students~~ 40552
~~enrolled in the community school who are identified as~~ 40553
~~limited English proficient is multiplied by the district's per~~ 40554
~~pupil amount received under division (F) of section 3317.029 of~~ 40555
~~the Revised Code, as adjusted by any poverty based assistance~~ 40556
~~reduction factor of the community school.~~ 40557

~~(8) An amount equal to the sum of the amounts obtained when,~~ 40558
~~for each school district where the community school's students are~~ 40559
~~entitled to attend school, the district's per pupil amount~~ 40560
~~received under division (G) of section 3317.029 of the Revised~~ 40561
~~Code, as adjusted by any poverty based assistance reduction factor~~ 40562
~~of the community school, is multiplied by the sum of the~~ 40563
~~following:~~ 40564

~~(a) The number of the district's students enrolled in grades~~ 40565
~~one through twelve in that community school;~~ 40566

~~(b) One half of the number of the district's students~~ 40567
~~enrolled in kindergarten in that community school.~~ 40568

~~The district's per pupil amount under division (G) of section~~ 40569
~~3317.029 of the Revised Code shall be determined as described in~~ 40570
~~division (C)(7) of this section.~~ 40571

~~(9) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~

~~(b) One-half of the number of the district's students enrolled in kindergarten in that community school.~~

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.~~

~~(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one-half of the number of that district's students enrolled in kindergarten, in the community school as reported under divisions (B)(2)(a) and (b) of this section.~~

~~(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that~~

~~student. Upon submission of documentation for a student of the~~ 40603
~~type and in the manner prescribed, the department shall pay to the~~ 40604
~~community school an amount equal to the school's costs for the~~ 40605
~~student in excess of the threshold catastrophic costs.~~ 40606

~~(2) The community school shall only report under division~~ 40607
~~(E)(1) of this section, and the department shall only pay for, the~~ 40608
~~costs of educational expenses and the related services provided to~~ 40609
~~the student in accordance with the student's individualized~~ 40610
~~education program. Any legal fees, court costs, or other costs~~ 40611
~~associated with any cause of action relating to the student may~~ 40612
~~not be included in the amount.~~ 40613

~~(F) A community school may apply to the department of~~ 40614
~~education for preschool children with disabilities unit funding~~ 40615
~~the school would receive if it were a school district. Upon~~ 40616
~~request of its governing authority, a community school that~~ 40617
~~received such unit funding as a school district operated school~~ 40618
~~before it became a community school shall retain any units awarded~~ 40619
~~to it as a school district operated school provided the school~~ 40620
~~continues to meet eligibility standards for the unit.~~ 40621

~~A community school shall be considered a school district and~~ 40622
~~its governing authority shall be considered a board of education~~ 40623
~~for the purpose of applying to any state or federal agency for~~ 40624
~~grants that a school district may receive under federal or state~~ 40625
~~law or any appropriations act of the general assembly. The~~ 40626
~~governing authority of a community school may apply to any private~~ 40627
~~entity for additional funds.~~ 40628

~~(G)(1) Except as provided in division (C)(2) of this section,~~ 40629
~~and subject to divisions (C)(3) and (4) of this section, on a~~ 40630
~~full-time equivalency basis, for each student enrolled in a~~ 40631
~~community school established under this chapter, the department of~~ 40632
~~education annually shall deduct from the state education aid of a~~ 40633
~~student's resident district and, if necessary, from the payment~~ 40634

made to the district under sections 321.24 and 323.156 of the 40635
Revised Code and pay to the community school the sum of the 40636
following: 40637

(a) An opportunity grant of (\$250,000 - the school's 40638
valuation per pupil) X 0.02. 40639

Each community school's valuation per pupil shall be zero. 40640

(b) The per pupil amount of targeted assistance funds 40641
calculated under section 3317.0217 of the Revised Code for the 40642
student's resident district, as determined by the department; 40643

(c) Additional state aid for special education and related 40644
services provided under Chapter 3323. of the Revised Code as 40645
follows: 40646

(i) If the student is a category one special education 40647
student, the amount specified in division (A) of section 3317.013 40648
of the Revised Code; 40649

(ii) If the student is a category two special education 40650
student, the amount specified in division (B) of section 3317.013 40651
of the Revised Code; 40652

(iii) If the student is a category three special education 40653
student, the amount specified in division (C) of section 3317.013 40654
of the Revised Code; 40655

(iv) If the student is a category four special education 40656
student, the amount specified in division (D) of section 3317.013 40657
of the Revised Code; 40658

(v) If the student is a category five special education 40659
student, the amount specified in division (E) of section 3317.013 40660
of the Revised Code; 40661

(vi) If the student is a category six special education 40662
student, the amount specified in division (F) of section 3317.013 40663
of the Revised Code. 40664

(d) If the student is in kindergarten, the per pupil amount of early childhood access funds calculated under division (A)(4) of section 3317.022 of the Revised Code for the student's resident district, as determined by the department, X the full-time equivalency of the student;

(e) If the student is economically disadvantaged, \$500 X the resident district's economically disadvantaged index;

(f) Limited English proficiency funds as follows:

(i) If the student is a category one limited English proficiency student, the amount specified in division (A) of section 3317.016 of the Revised Code;

(ii) If the student is a category two limited English proficiency student, the amount specified in division (B) of section 3317.016 of the Revised Code;

(iii) If the student is a category three limited English proficiency student, the amount specified in division (C) of section 3317.016 of the Revised Code;

(iv) If the student is a category four limited English proficiency student, the amount specified in division (D) of section 3317.016 of the Revised Code.

(g) Gifted funds in an amount of \$50 for each enrolled student.

(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), (e), (f), and (g) of this section.

No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b) or (d) of this

section. 40695

(3) The department shall deduct from the aggregate amount 40696
paid under division (C)(1) of this section fifteen per cent of the 40697
sum of the amount paid under division (C)(1)(c) of this section 40698
and transfer that amount to the special education exceptional cost 40699
fund created in section 3317.0215 of the Revised Code. A community 40700
school may apply for funds from the special education exceptional 40701
cost fund if it satisfies the criteria in section 3317.0214 of the 40702
Revised Code. 40703

(4) If the sum of the payments computed under division (C)(1) 40704
of this section for the students entitled to attend school in a 40705
particular school district under sections 3313.64 and 3313.65 of 40706
the Revised Code exceeds the sum of that district's state 40707
education aid and its payment under sections 321.24 and 323.156 of 40708
the Revised Code, the department shall calculate and apply a 40709
proration factor to the payments to all community schools under 40710
that division for the students entitled to attend school in that 40711
district. 40712

(D) A board of education sponsoring a community school may 40713
utilize local funds to make enhancement grants to the school or 40714
may agree, either as part of the contract or separately, to 40715
provide any specific services to the community school at no cost 40716
to the school. 40717

~~(H)~~(E) A community school may not levy taxes or issue bonds 40718
secured by tax revenues. 40719

~~(I)~~(F) No community school shall charge tuition for the 40720
enrollment of any student. 40721

~~(J)~~(G)(1)(a) A community school may borrow money to pay any 40722
necessary and actual expenses of the school in anticipation of the 40723
receipt of any portion of the payments to be received by the 40724
school pursuant to division ~~(D)~~(C) of this section. The school may 40725

issue notes to evidence such borrowing. The proceeds of the notes 40726
shall be used only for the purposes for which the anticipated 40727
receipts may be lawfully expended by the school. 40728

(b) A school may also borrow money for a term not to exceed 40729
fifteen years for the purpose of acquiring facilities. 40730

(2) Except for any amount guaranteed under section 3318.50 of 40731
the Revised Code, the state is not liable for debt incurred by the 40732
governing authority of a community school. 40733

~~(K) For purposes of determining the number of students for 40734
which divisions (D)(5) and (6) of this section applies in any 40735
school year, a community school may submit to the department of 40736
job and family services, no later than the first day of March, a 40737
list of the students enrolled in the school. For each student on 40738
the list, the community school shall indicate the student's name, 40739
address, and date of birth and the school district where the 40740
student is entitled to attend school. Upon receipt of a list under 40741
this division, the department of job and family services shall 40742
determine, for each school district where one or more students on 40743
the list is entitled to attend school, the number of students 40744
residing in that school district who were included in the 40745
department's report under section 3317.10 of the Revised Code. The 40746
department shall make this determination on the basis of 40747
information readily available to it. Upon making this 40748
determination and no later than ninety days after submission of 40749
the list by the community school, the department shall report to 40750
the state department of education the number of students on the 40751
list who reside in each school district who were included in the 40752
department's report under section 3317.10 of the Revised Code. In 40753
complying with this division, the department of job and family 40754
services shall not report to the state department of education any 40755
personally identifiable information on any student. 40756~~

~~(L)~~(H) The department of education shall adjust the amounts 40757

subtracted and paid under ~~divisions~~ division (C) and ~~(D)~~ of this 40758
section to reflect any enrollment of students in community schools 40759
for less than the equivalent of a full school year. The state 40760
board of education within ninety days after April 8, 2003, shall 40761
adopt in accordance with Chapter 119. of the Revised Code rules 40762
governing the payments to community schools under this section and 40763
~~section 3314.13 of the Revised Code~~ including initial payments in 40764
a school year and adjustments and reductions made in subsequent 40765
periodic payments to community schools and corresponding 40766
deductions from school district accounts as provided under 40767
~~divisions~~ division (C) and ~~(D)~~ of this section and ~~section 3314.13~~ 40768
~~of the Revised Code~~. For purposes of this section and ~~section~~ 40769
~~3314.13 of the Revised Code~~: 40770

(1) A student shall be considered enrolled in the community 40771
school for any portion of the school year the student is 40772
participating at a college under Chapter 3365. of the Revised 40773
Code. 40774

(2) A student shall be considered to be enrolled in a 40775
community school for the period of time beginning on the later of 40776
the date on which the school both has received documentation of 40777
the student's enrollment from a parent and the student has 40778
commenced participation in learning opportunities as defined in 40779
the contract with the sponsor, or thirty days prior to the date on 40780
which the student is entered into the education management 40781
information system established under section 3301.0714 of the 40782
Revised Code. For purposes of applying this division and divisions 40783
~~(L)~~(H) (3) and (4) of this section to a community school student, 40784
"learning opportunities" shall be defined in the contract, which 40785
shall describe both classroom-based and non-classroom-based 40786
learning opportunities and shall be in compliance with criteria 40787
and documentation requirements for student participation which 40788
shall be established by the department. Any student's instruction 40789

time in non-classroom-based learning opportunities shall be 40790
certified by an employee of the community school. A student's 40791
enrollment shall be considered to cease on the date on which any 40792
of the following occur: 40793

(a) The community school receives documentation from a parent 40794
terminating enrollment of the student. 40795

(b) The community school is provided documentation of a 40796
student's enrollment in another public or private school. 40797

(c) The community school ceases to offer learning 40798
opportunities to the student pursuant to the terms of the contract 40799
with the sponsor or the operation of any provision of this 40800
chapter. 40801

Except as otherwise specified in this paragraph, beginning in 40802
the 2011-2012 school year, any student who completed the prior 40803
school year in an internet- or computer-based community school 40804
shall be considered to be enrolled in the same school in the 40805
subsequent school year until the student's enrollment has ceased 40806
as specified in division ~~(L)~~(H)(2) of this section. The department 40807
shall continue subtracting and paying amounts for the student 40808
under ~~divisions~~ division (C) and ~~(D)~~ of this section without 40809
interruption at the start of the subsequent school year. However, 40810
if the student without a legitimate excuse fails to participate in 40811
the first one hundred five consecutive hours of learning 40812
opportunities offered to the student in that subsequent school 40813
year, the student shall be considered not to have re-enrolled in 40814
the school for that school year and the department shall 40815
recalculate the payments to the school for that school year to 40816
account for the fact that the student is not enrolled. 40817

(3) The department shall determine each community school 40818
student's percentage of full-time equivalency based on the 40819
percentage of learning opportunities offered by the community 40820

school to that student, reported either as number of hours or 40821
number of days, is of the total learning opportunities offered by 40822
the community school to a student who attends for the school's 40823
entire school year. However, no internet- or computer-based 40824
community school shall be credited for any time a student spends 40825
participating in learning opportunities beyond ten hours within 40826
any period of twenty-four consecutive hours. Whether it reports 40827
hours or days of learning opportunities, each community school 40828
shall offer not less than nine hundred twenty hours of learning 40829
opportunities during the school year. 40830

(4) With respect to the calculation of full-time equivalency 40831
under division ~~(L)~~(H)(3) of this section, the department shall 40832
waive the number of hours or days of learning opportunities not 40833
offered to a student because the community school was closed 40834
during the school year due to disease epidemic, hazardous weather 40835
conditions, law enforcement emergencies, inoperability of school 40836
buses or other equipment necessary to the school's operation, 40837
damage to a school building, or other temporary circumstances due 40838
to utility failure rendering the school building unfit for school 40839
use, so long as the school was actually open for instruction with 40840
students in attendance during that school year for not less than 40841
the minimum number of hours required by this chapter. The 40842
department shall treat the school as if it were open for 40843
instruction with students in attendance during the hours or days 40844
waived under this division. 40845

~~(M)~~(I) The department of education shall reduce the amounts 40846
paid under ~~division (D)~~ of this section to reflect payments made 40847
to colleges under division (B) of section 3365.07 of the Revised 40848
Code ~~or through alternative funding agreements entered into under~~ 40849
~~rules adopted under section 3365.12 of the Revised Code.~~ 40850

~~(N)~~(J)(1) No student shall be considered enrolled in any 40851
internet- or computer-based community school or, if applicable to 40852

the student, in any community school that is required to provide 40853
the student with a computer pursuant to division (C) of section 40854
3314.22 of the Revised Code, unless both of the following 40855
conditions are satisfied: 40856

(a) The student possesses or has been provided with all 40857
required hardware and software materials and all such materials 40858
are operational so that the student is capable of fully 40859
participating in the learning opportunities specified in the 40860
contract between the school and the school's sponsor as required 40861
by division (A)(23) of section 3314.03 of the Revised Code; 40862

(b) The school is in compliance with division (A) of section 40863
3314.22 of the Revised Code, relative to such student. 40864

(2) In accordance with policies adopted jointly by the 40865
superintendent of public instruction and the auditor of state, the 40866
department shall reduce the amounts otherwise payable under 40867
division ~~(D)~~(C) of this section to any community school that 40868
includes in its program the provision of computer hardware and 40869
software materials to any student, if such hardware and software 40870
materials have not been delivered, installed, and activated for 40871
each such student in a timely manner or other educational 40872
materials or services have not been provided according to the 40873
contract between the individual community school and its sponsor. 40874

The superintendent of public instruction and the auditor of 40875
state shall jointly establish a method for auditing any community 40876
school to which this division pertains to ensure compliance with 40877
this section. 40878

The superintendent, auditor of state, and the governor shall 40879
jointly make recommendations to the general assembly for 40880
legislative changes that may be required to assure fiscal and 40881
academic accountability for such schools. 40882

~~(O)~~(K)(1) If the department determines that a review of a 40883

community school's enrollment is necessary, such review shall be 40884
completed and written notice of the findings shall be provided to 40885
the governing authority of the community school and its sponsor 40886
within ninety days of the end of the community school's fiscal 40887
year, unless extended for a period not to exceed thirty additional 40888
days for one of the following reasons: 40889

(a) The department and the community school mutually agree to 40890
the extension. 40891

(b) Delays in data submission caused by either a community 40892
school or its sponsor. 40893

(2) If the review results in a finding that additional 40894
funding is owed to the school, such payment shall be made within 40895
thirty days of the written notice. If the review results in a 40896
finding that the community school owes moneys to the state, the 40897
following procedure shall apply: 40898

(a) Within ten business days of the receipt of the notice of 40899
findings, the community school may appeal the department's 40900
determination to the state board of education or its designee. 40901

(b) The board or its designee shall conduct an informal 40902
hearing on the matter within thirty days of receipt of such an 40903
appeal and shall issue a decision within fifteen days of the 40904
conclusion of the hearing. 40905

(c) If the board has enlisted a designee to conduct the 40906
hearing, the designee shall certify its decision to the board. The 40907
board may accept the decision of the designee or may reject the 40908
decision of the designee and issue its own decision on the matter. 40909

(d) Any decision made by the board under this division is 40910
final. 40911

(3) If it is decided that the community school owes moneys to 40912
the state, the department shall deduct such amount from the 40913

school's future payments in accordance with guidelines issued by 40914
the superintendent of public instruction. 40915

~~(P)(L)~~ The department shall not subtract from a school 40916
district's state aid account ~~under division (C) of this section~~ 40917
and shall not pay to a community school under division ~~(D)(C)~~ of 40918
this section any amount for any of the following: 40919

(1) Any student who has graduated from the twelfth grade of a 40920
public or nonpublic high school; 40921

(2) Any student who is not a resident of the state; 40922

(3) Any student who was enrolled in the community school 40923
during the previous school year when assessments were administered 40924
under section 3301.0711 of the Revised Code but did not take one 40925
or more of the assessments required by that section and was not 40926
excused pursuant to division (C)(1) or (3) of that section, unless 40927
the superintendent of public instruction grants the student a 40928
waiver from the requirement to take the assessment and a parent is 40929
not paying tuition for the student pursuant to section 3314.26 of 40930
the Revised Code. The superintendent may grant a waiver only for 40931
good cause in accordance with rules adopted by the state board of 40932
education. 40933

(4) Any student who has attained the age of twenty-two years, 40934
except for veterans of the armed services whose attendance was 40935
interrupted before completing the recognized twelve-year course of 40936
the public schools by reason of induction or enlistment in the 40937
armed forces and who apply for enrollment in a community school 40938
not later than four years after termination of war or their 40939
honorable discharge. If, however, any such veteran elects to 40940
enroll in special courses organized for veterans for whom tuition 40941
is paid under federal law, or otherwise, the department shall not 40942
subtract from a school district's state aid account ~~under division~~ 40943
~~(C) of this section~~ and shall not pay to a community school under 40944

division ~~(D)~~(C) of this section any amount for that veteran. 40945

Sec. 3314.082. A community school shall be considered a 40946
school district and its governing authority shall be considered a 40947
board of education for the purpose of applying to any state or 40948
federal agency for grants that a school district may receive under 40949
federal or state law or any appropriations act of the general 40950
assembly. The governing authority of a community school may apply 40951
to any private entity for additional funds. 40952

Sec. 3314.083. If the department of education pays a joint 40953
vocational school district under division ~~(G)(4)~~(C)(3) of section 40954
3317.16 of the Revised Code for excess costs of providing special 40955
education and related services to a student with a disability who 40956
is enrolled in a community school, as calculated under division 40957
~~(G)(2)~~(C)(1) of that section, the department shall deduct the 40958
amount of that payment from the amount calculated for payment to 40959
the community school under section 3314.08 of the Revised Code. 40960

Sec. 3314.084. (A) As used in this section: 40961

(1) "Formula ADM" has the same meaning as in section 3317.03 40962
of the Revised Code. 40963

(2) "Home" has the same meaning as in section 3313.64 of the 40964
Revised Code. 40965

(3) "School district of residence" has the same meaning as in 40966
section 3323.01 of the Revised Code; however, a community school 40967
established under this chapter is not a "school district of 40968
residence" for purposes of this section. 40969

(B) Notwithstanding anything to the contrary in section 40970
3314.08 or 3317.03 of the Revised Code, all of the following apply 40971
in the case of a child who is enrolled in a community school and 40972
is also living in a home: 40973

(1) For purposes of the report required under division (B)(1) 40974
of section 3314.08 of the Revised Code, the child's school 40975
district of residence, and not the school district in which the 40976
home that the child is living in is located, shall be considered 40977
to be the school district in which the child is entitled to attend 40978
school. That school district of residence, therefore, shall make 40979
the report required under division (B)(1) of section 3314.08 of 40980
the Revised Code with respect to the child. 40981

(2) For purposes of the report required under division (B)(2) 40982
of section 3314.08 of the Revised Code, the community school shall 40983
report the name of the child's school district of residence. 40984

(3) The child's school district of residence shall count the 40985
child in that district's formula ADM. 40986

(4) The school district in which the home that the child is 40987
living in is located shall not count the child in that district's 40988
formula ADM. 40989

(5) The ~~Department~~ department of ~~Education~~ education shall 40990
deduct the applicable amounts prescribed under division (C) of 40991
section 3314.08 ~~and division (D) of section 3314.13~~ of the Revised 40992
Code from the child's school district of residence and shall not 40993
deduct those amounts from the school district in which the home 40994
that the child is living in is located. 40995

(6) The ~~Department~~ department shall make the payments 40996
prescribed in ~~divisions (D) and (E)~~ division (C) of section 40997
3314.08 ~~and section 3314.13~~ of the Revised Code, as applicable, to 40998
the community school. 40999

Sec. 3314.085. The department of education shall pay to each 41000
community school the amount approved for that school under section 41001
3317.162 of the Revised Code by the lead district of the 41002
career-technical planning district to which the school has been 41003

assigned. 41004

Sec. 3314.087. (A) As used in this section: 41005

(1) "Career-technical program" means ~~vocational~~ 41006
career-technical programs or classes described in division (A) ~~or~~, 41007
(B), (C), (D), or (E) of section 3317.014 of the Revised Code in 41008
which a student is enrolled. 41009

(2) "Formula ADM," "category one ~~or two vocational~~ through 41010
five career-technical education ADM," and "FTE basis" have the 41011
same meanings as in section 3317.02 of the Revised Code. 41012

(3) "Resident school district" means the city, exempted 41013
village, or local school district in which a student is entitled 41014
to attend school under section 3313.64 or 3313.65 of the Revised 41015
Code. 41016

(B) Notwithstanding anything to the contrary in this chapter 41017
or Chapter 3317. of the Revised Code, a student enrolled in a 41018
community school may simultaneously enroll in the career-technical 41019
program operated by the student's resident school district. On an 41020
FTE basis, the student's resident school district shall count the 41021
student in the category one ~~or two vocational~~ through five 41022
career-technical education ADM for the proportion of the time the 41023
student is enrolled in the district's career-technical program 41024
and, accordingly, the department of education shall calculate 41025
funds under Chapter 3317. for the district attributable to the 41026
student for the proportion of time the student attends the 41027
career-technical program. The community school shall count the 41028
student in its enrollment report under section 3314.08 of the 41029
Revised Code and shall report to the department the proportion of 41030
time that the student attends classes at the community school. The 41031
department shall pay the community school and deduct from the 41032
student's resident school district the amount computed for the 41033

student under section 3314.08 of the Revised Code in proportion to 41034
the fraction of the time on an FTE basis that the student attends 41035
classes at the community school. "Full-time equivalency" for a 41036
community school student, as defined in division ~~(L)~~(H) of section 41037
3314.08 of the Revised Code, does not apply to the student. 41038

Sec. 3314.091. (A) A school district is not required to 41039
provide transportation for any native student enrolled in a 41040
community school if the district board of education has entered 41041
into an agreement with the community school's governing authority 41042
that designates the community school as responsible for providing 41043
or arranging for the transportation of the district's native 41044
students to and from the community school. For any such agreement 41045
to be effective, it must be certified by the superintendent of 41046
public instruction as having met all of the following 41047
requirements: 41048

(1) It is submitted to the department of education by a 41049
deadline which shall be established by the department. 41050

(2) In accordance with divisions (C)(1) and (2) of this 41051
section, it specifies qualifications, such as residing a minimum 41052
distance from the school, for students to have their 41053
transportation provided or arranged. 41054

(3) The transportation provided by the community school is 41055
subject to all provisions of the Revised Code and all rules 41056
adopted under the Revised Code pertaining to pupil transportation. 41057

(4) The sponsor of the community school also has signed the 41058
agreement. 41059

(B)(1) For the school year that begins on July 1, 2007, a 41060
school district is not required to provide transportation for any 41061
native student enrolled in a community school, if the community 41062
school during the previous school year transported the students 41063

enrolled in the school or arranged for the students' 41064
transportation, even if that arrangement consisted of having 41065
parents transport their children to and from the school, but did 41066
not enter into an agreement to transport or arrange for 41067
transportation for those students under division (A) of this 41068
section, and if the governing authority of the community school by 41069
July 15, 2007, submits written notification to the district board 41070
of education stating that the governing authority is accepting 41071
responsibility for providing or arranging for the transportation 41072
of the district's native students to and from the community 41073
school. 41074

(2) For any school year subsequent to the school year that 41075
begins on July 1, 2007, a school district is not required to 41076
provide transportation for any native student enrolled in a 41077
community school if the governing authority of the community 41078
school, by the thirty-first day of January of the previous school 41079
year, submits written notification to the district board of 41080
education stating that the governing authority is accepting 41081
responsibility for providing or arranging for the transportation 41082
of the district's native students to and from the community 41083
school. If the governing authority of the community school has 41084
previously accepted responsibility for providing or arranging for 41085
the transportation of a district's native students to and from the 41086
community school, under division (B)(1) or (2) of this section, 41087
and has since relinquished that responsibility under division 41088
(B)(3) of this section, the governing authority shall not accept 41089
that responsibility again unless the district board consents to 41090
the governing authority's acceptance of that responsibility. 41091

(3) A governing authority's acceptance of responsibility 41092
under division (B)(1) or (2) of this section shall cover an entire 41093
school year, and shall remain in effect for subsequent school 41094
years unless the governing authority submits written notification 41095

to the district board that the governing authority is 41096
relinquishing the responsibility. However, a governing authority 41097
shall not relinquish responsibility for transportation before the 41098
end of a school year, and shall submit the notice relinquishing 41099
responsibility by the thirty-first day of January, in order to 41100
allow the school district reasonable time to prepare 41101
transportation for its native students enrolled in the school. 41102

(C)(1) A community school governing authority that enters 41103
into an agreement under division (A) of this section, or that 41104
accepts responsibility under division (B) of this section, shall 41105
provide or arrange transportation free of any charge for each of 41106
its enrolled students who is required to be transported under 41107
section 3327.01 of the Revised Code or who would otherwise be 41108
transported by the school district under the district's 41109
transportation policy. The governing authority shall report to the 41110
department of education the number of students transported or for 41111
whom transportation is arranged under this section in accordance 41112
with rules adopted by the state board of education. 41113

(2) The governing authority may provide or arrange 41114
transportation for any other enrolled student who is not eligible 41115
for transportation in accordance with division (C)(1) of this 41116
section and may charge a fee for such service up to the actual 41117
cost of the service. 41118

(3) Notwithstanding anything to the contrary in division 41119
(C)(1) or (2) of this section, a community school governing 41120
authority shall provide or arrange transportation free of any 41121
charge for any disabled student enrolled in the school for whom 41122
the student's individualized education program developed under 41123
Chapter 3323. of the Revised Code specifies transportation. 41124

(D)(1) If a school district board and a community school 41125
governing authority elect to enter into an agreement under 41126
division (A) of this section, the department of education shall 41127

make payments to the community school according to the terms of 41128
the agreement for each student actually transported under division 41129
(C)(1) of this section. 41130

If a community school governing authority accepts 41131
transportation responsibility under division (B) of this section, 41132
the department shall make payments to the community school for 41133
each student actually transported or for whom transportation is 41134
arranged by the community school under division (C)(1) of this 41135
section, calculated as follows: 41136

(a) For any fiscal year which the general assembly has 41137
specified that transportation payments to school districts be 41138
based on an across-the-board percentage of the district's payment 41139
for the previous school year, the per pupil payment to the 41140
community school shall be the following quotient: 41141

(i) The total amount calculated for the school district in 41142
which the child is entitled to attend school for student 41143
transportation other than transportation of children with 41144
disabilities; divided by 41145

(ii) The number of students included in the district's 41146
transportation ADM for the current fiscal year, as reported under 41147
division (B)~~(13)~~(20) of section 3317.03 of the Revised Code, plus 41148
the number of students enrolled in the community school not 41149
counted in the district's transportation ADM who are transported 41150
under division (B)(1) or (2) of this section. 41151

(b) For any fiscal year which the general assembly has 41152
specified that the transportation payments to school districts be 41153
calculated in accordance with section 3317.0212 of the Revised 41154
Code and any rules of the state board of education implementing 41155
that section, the payment to the community school shall be the 41156
amount so calculated that otherwise would be paid to the school 41157
district in which the student is entitled to attend school by the 41158

method of transportation the district would have used. The 41159
community school, however, is not required to use the same method 41160
to transport that student. 41161

(c) Divisions (D)(1)(a) and (b) of this section do not apply 41162
to fiscal years 2012 and 2013. Rather, for each of those fiscal 41163
years, the per pupil payment to a community school for 41164
transporting a student shall be the total amount paid under former 41165
section 3306.12 of the Revised Code for fiscal year 2011 to the 41166
school district in which the child is entitled to attend school 41167
divided by that district's "qualifying ridership," as defined in 41168
that section for fiscal year 2011. 41169

As used in this division "entitled to attend school" means 41170
entitled to attend school under section 3313.64 or 3313.65 of the 41171
Revised Code. 41172

(2) The department shall deduct the payment under division 41173
(D)(1) of this section from the state education aid, as defined in 41174
section 3314.08 of the Revised Code, and, if necessary, the 41175
payment under sections 321.14 and 323.156 of the Revised Code, 41176
that is otherwise paid to the school district in which the student 41177
enrolled in the community school is entitled to attend school. The 41178
department shall include the number of the district's native 41179
students for whom payment is made to a community school under 41180
division (D)(1) of this section in the calculation of the 41181
district's transportation payment under section 3317.0212 of the 41182
Revised Code and the operating appropriations act. 41183

(3) A community school shall be paid under division (D)(1) of 41184
this section only for students who are eligible as specified in 41185
section 3327.01 of the Revised Code and division (C)(1) of this 41186
section, and whose transportation to and from school is actually 41187
provided, who actually utilized transportation arranged, or for 41188
whom a payment in lieu of transportation is made by the community 41189
school's governing authority. To qualify for the payments, the 41190

community school shall report to the department, in the form and 41191
manner required by the department, data on the number of students 41192
transported or whose transportation is arranged, the number of 41193
miles traveled, cost to transport, and any other information 41194
requested by the department. 41195

(4) A community school shall use payments received under this 41196
section solely to pay the costs of providing or arranging for the 41197
transportation of students who are eligible as specified in 41198
section 3327.01 of the Revised Code and division (C)(1) of this 41199
section, which may include payments to a parent, guardian, or 41200
other person in charge of a child in lieu of transportation. 41201

(E) Except when arranged through payment to a parent, 41202
guardian, or person in charge of a child, transportation provided 41203
or arranged for by a community school pursuant to an agreement 41204
under this section is subject to all provisions of the Revised 41205
Code, and all rules adopted under the Revised Code, pertaining to 41206
the construction, design, equipment, and operation of school buses 41207
and other vehicles transporting students to and from school. The 41208
drivers and mechanics of the vehicles are subject to all 41209
provisions of the Revised Code, and all rules adopted under the 41210
Revised Code, pertaining to drivers and mechanics of such 41211
vehicles. The community school also shall comply with sections 41212
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 41213
of section 3327.16 of the Revised Code and, subject to division 41214
(C)(1) of this section, sections 3327.01 and 3327.02 of the 41215
Revised Code, as if it were a school district. 41216

Sec. 3314.092. The governing authority of a community school 41217
established under this chapter shall consult with each school 41218
district board of education that transports students to the 41219
community school under sections 3314.09 and 3327.01 of the Revised 41220
Code prior to making any change in the hours or days in which the 41221

community school is open for instruction. 41222

Sec. 3314.11. (A) The board of education of each city, 41223
exempted village, and local school district monthly shall review 41224
enrollment for students enrolled in community schools established 41225
under this chapter and entitled to attend school in the district 41226
under section 3313.64 or 3313.65 of the Revised Code. For each 41227
student, the district shall verify to the department of education 41228
both of the following: 41229

(1) The community school in which the student is enrolled; 41230

(2) That the student is entitled to attend school in the 41231
district under section 3313.64 or 3313.65 of the Revised Code. 41232

(B) For purposes of its initial reporting of the school 41233
districts its students are entitled to attend, the governing 41234
authority of a community school may adopt a policy that prescribes 41235
the number of documents listed in division (E) of this section 41236
required to verify a student's residency. This policy, if adopted, 41237
shall supersede any policy concerning the number of documents for 41238
initial residency verification adopted by the district the student 41239
is entitled to attend. If a community school does not adopt a 41240
policy under this division, the policy of the school district in 41241
which the student is entitled to attend shall prevail. 41242

(C) In making the determinations under this section, the 41243
school district in which a parent or child resides is the location 41244
the parent or student has established as the primary residence and 41245
where substantial family activity takes place. 41246

(D) If a district's determination under division (A) of this 41247
section of the school district a student is entitled to attend 41248
under section 3313.64 or 3313.65 of the Revised Code differs from 41249
a community school's determination under division (B) of this 41250
section, the community school shall provide the school district 41251

that made the determination under division (A) of this section 41252
with documentation of the student's residency and shall make a 41253
good faith effort to accurately identify the correct residence of 41254
the student. 41255

(E) For purposes of this section, the following documents may 41256
serve as evidence of primary residence: 41257

(1) A deed, mortgage, lease, current home owner's or renter's 41258
insurance declaration page, or current real property tax bill; 41259

(2) A utility bill or receipt of utility installation issued 41260
within ninety days of enrollment; 41261

(3) A paycheck or paystub issued to the parent or student 41262
within ninety days of the date of enrollment that includes the 41263
address of the parent's or student's primary residence; 41264

(4) The most current available bank statement issued to the 41265
parent or student that includes the address of the parent's or 41266
student's primary residence; 41267

(5) Any other official document issued to the parent or 41268
student that includes the address of the parent's or student's 41269
primary residence. The superintendent of public instruction shall 41270
develop guidelines for determining what qualifies as an "official 41271
document" under this division. 41272

(F) When a student loses permanent housing and becomes a 41273
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 41274
child who is such a homeless child or youth changes temporary 41275
living arrangements, the district in which the student is entitled 41276
to attend school shall be determined in accordance with division 41277
(F)(13) of section 3313.64 of the Revised Code and the 41278
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 41279

(G) In the event of a disagreement as to which school 41280
district a student is entitled to attend, the community school, 41281

after complying with division (D) of this section, but not more 41282
than sixty days after the monthly deadline established by the 41283
department of education for reporting of community school 41284
enrollment, may present the matter to the superintendent of public 41285
instruction. Not later than thirty days after the community school 41286
presents the matter, the state superintendent, or the state 41287
superintendent's designee, shall determine which district the 41288
student is entitled to attend and shall direct any necessary 41289
adjustments to payments and deductions under ~~sections~~ section 41290
3314.08 ~~and 3314.13~~ of the Revised Code based on that 41291
determination. 41292

Sec. 3314.26. (A) Each internet- or computer-based community 41293
school shall withdraw from the school any student who, for two 41294
consecutive school years, has failed to participate in the spring 41295
administration of any assessment prescribed under section 41296
3301.0710 or 3301.0712 of the Revised Code for the student's grade 41297
level and was not excused from the assessment pursuant to division 41298
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 41299
of whether a waiver was granted for the student under division 41300
(~~P~~)(L)(3) of section 3314.08 of the Revised Code. The school shall 41301
report any such student's data verification code, as assigned 41302
pursuant to section 3301.0714 of the Revised Code, to the 41303
department of education. The department shall maintain a list of 41304
all data verification codes reported under this division and 41305
section 3313.6410 of the Revised Code and provide that list to 41306
each internet- or computer-based community school and to each 41307
school to which section 3313.6410 of the Revised Code applies. 41308

(B) No internet- or computer-based community school shall 41309
receive any state funds under this chapter for any enrolled 41310
student whose data verification code appears on the list 41311
maintained by the department under division (A) of this section. 41312

Notwithstanding any provision of the Revised Code to the 41313
contrary, the parent of any such student shall pay tuition to the 41314
internet- or computer-based community school in an amount equal to 41315
the state funds the school otherwise would receive for that 41316
student, as determined by the department. An internet- or 41317
computer-based community school may withdraw any student for whom 41318
the parent does not pay tuition as required by this division. 41319

Sec. 3315.06. As used in this section "expenses" includes the 41320
cost of meals served to educational service center governing board 41321
members, and members of the boards of ~~local~~ school districts 41322
~~within the territory of that have entered into an agreement under~~ 41323
section 3313.843 or 3313.845 of the Revised Code to receive any 41324
services from the service center at meetings of the governing 41325
board and meetings authorized by this section, if a resolution to 41326
that effect has been adopted by a majority of the members of the 41327
governing board. 41328

The governing board of each service center may provide 41329
programs, examinations, school records, diplomas, and other 41330
necessary supplies and equipment for the use of the service center 41331
superintendent in furthering the instructional program of the 41332
service center. The governing board of each service center may pay 41333
the expenses of all educational meetings called by such governing 41334
board and may call and pay the expenses of conducting a meeting of 41335
the members of the boards of all ~~local~~ school districts ~~within the~~ 41336
~~territory of that have entered into an agreement under section~~ 41337
3313.843 or 3313.845 of the Revised Code to receive any services 41338
from the service center at least once each year for the purpose of 41339
discussing the matters relating to the schools, for which each 41340
member shall be paid from the general fund of the ~~local~~ school 41341
district, the same compensation as authorized by section 3313.12 41342
of the Revised Code. The governing board of each service center 41343
may allow the superintendent and assistant superintendent ~~of~~ 41344

~~schools~~ a sum to be determined by the board for traveling expenses 41345
and may employ stenographers and clerks for such superintendent. 41346

Sec. 3315.07. (A) The board of education of each ~~city and~~ 41347
~~exempted village~~ school district may provide an instructional 41348
program for the employees of the district. The board may provide 41349
the necessary bulletins and instructional material in connection 41350
with the program and pay the cost of meetings held for the purpose 41351
of carrying out the program. 41352

(B) The board of any district or educational service center 41353
may provide bulletins or other materials necessary for the 41354
effective administration of the schools of ~~such~~ the district or 41355
programs of the educational service center and may compile, make 41356
available, or publish any of the following materials not 41357
inconsistent with division (C) of this section: student handbooks, 41358
dress codes, curriculum guides, school policy bulletins, 41359
newsletters, board meeting summaries or minutes, financial 41360
reports, annual reports, and other reports concerning the 41361
operation of the schools of the district or programs of the 41362
service center. Such materials shall be published for the purpose 41363
of furthering public awareness of all aspects of the board's 41364
educational program and operation including: 41365

(1) Board policies and actions, procedures, administration 41366
and finance, and state and federal requirements; 41367

(2) The board's programs, activities, and plans; 41368

(3) Student achievements and information concerning 41369
employees; 41370

(4) Any other information the board considers helpful in 41371
keeping students, parents, employees, and residents aware of the 41372
operation of the school district. The board may assign to 41373
employees the duty of producing the information authorized by this 41374

division as a part or all of their jobs. 41375

(C)(1) Except as otherwise provided in division (C)(2) of 41376
this section, no board of education shall use public funds to 41377
support or oppose the passage of a school levy or bond issue or to 41378
compensate any school district employee for time spent on any 41379
activity intended to influence the outcome of a school levy or 41380
bond issue election. 41381

(2) A board of education may permit any of its employees to 41382
attend a public meeting during ~~his~~ the employee's regular working 41383
hours for the purpose of presenting information about school 41384
finances and activities and board actions, even if the purpose of 41385
the meeting is to discuss or debate the passage of a school levy 41386
or bond issue. 41387

(D) ~~Boards~~ The board of education of ~~local~~ a school ~~districts~~ 41388
~~and, subject to approval by the educational service center~~ 41389
~~governing board, boards of city and exempted village school~~ 41390
~~districts located in whole or in part in the territory of~~ district 41391
that has entered into an agreement under section 3313.843 or 41392
3313.845 of the Revised Code to receive any services from an 41393
educational service center may authorize ~~educational~~ the service 41394
center ~~governing boards~~ to purchase or to accept upon donation 41395
supplies and equipment for such school ~~districts~~ district and to 41396
pay the transportation, handling, and storage charges involved in 41397
securing such supplies and equipment. Upon such authorization, the 41398
governing board may make such purchases or accept such donations 41399
and pay from the service center fund the cost of such supplies and 41400
equipment and the transportation, handling, and storage charges 41401
involved. ~~Boards~~ The district board shall reimburse in full the 41402
service center governing board for all such expenditures on ~~their~~ 41403
its behalf. 41404

Sec. 3315.18. (A) The board of education of each city, 41405

exempted village, local, and joint vocational school district 41406
shall establish a capital and maintenance fund. Each board 41407
annually shall deposit into that fund an amount derived from 41408
revenues received by the district that would otherwise have been 41409
deposited in the general fund that is equal to three per cent of 41410
the ~~formula amount~~ opportunity grant for the preceding fiscal 41411
year, as ~~defined in~~ calculated under division (A)(1) of section 41412
~~3317.02~~ 3317.022 of the Revised Code, or another percentage if 41413
established by the auditor of state under division (B) of this 41414
section, ~~multiplied by the district's student population for the~~ 41415
~~preceding fiscal year~~, except that money received from a permanent 41416
improvement levy authorized by section 5705.21 of the Revised Code 41417
may replace general revenue moneys in meeting the requirements of 41418
this section. Money in the fund shall be used solely for 41419
acquisition, replacement, enhancement, maintenance, or repair of 41420
permanent improvements, as that term is defined in section 5705.01 41421
of the Revised Code. Any money in the fund that is not used in any 41422
fiscal year shall carry forward to the next fiscal year. 41423

(B) The state superintendent of public instruction and the 41424
auditor of state jointly shall adopt rules in accordance with 41425
Chapter 119. of the Revised Code defining what constitutes 41426
expenditures permitted by division (A) of this section. The 41427
auditor of state may designate a percentage, other than three per 41428
cent, of the ~~formula amount multiplied by the district's student~~ 41429
~~population~~ opportunity grant that must be deposited into the fund. 41430

(C) Within its capital and maintenance fund, a school 41431
district board of education may establish a separate account 41432
solely for the purpose of depositing funds transferred from the 41433
district's reserve balance account established under former 41434
division (H) of section 5705.29 of the Revised Code. After April 41435
10, 2001, a board may deposit all or part of the funds formerly 41436
included in such reserve balance account in the separate account 41437

established under this section. Funds deposited in this separate 41438
account and interest on such funds shall be utilized solely for 41439
the purpose of providing the district's portion of the basic 41440
project costs of any project undertaken in accordance with Chapter 41441
3318. of the Revised Code. 41442

(D)(1) Notwithstanding division (A) of this section, in any 41443
year a district is in fiscal emergency status as declared pursuant 41444
to section 3316.03 of the Revised Code, the district may deposit 41445
an amount less than required by division (A) of this section, or 41446
make no deposit, into the district capital and maintenance fund 41447
for that year. 41448

(2) Notwithstanding division (A) of this section, in any 41449
fiscal year that a school district is either in fiscal watch 41450
status, as declared pursuant to section 3316.03 of the Revised 41451
Code, or in fiscal caution status, as declared pursuant to section 41452
3316.031 of the Revised Code, the district may apply to the 41453
superintendent of public instruction for a waiver from the 41454
requirements of division (A) of this section, under which the 41455
district may be permitted to deposit an amount less than required 41456
by that division or permitted to make no deposit into the district 41457
capital and maintenance fund for that year. The superintendent may 41458
grant a waiver under division (D)(2) of this section if the 41459
district demonstrates to the satisfaction of the superintendent 41460
that compliance with division (A) of this section that year will 41461
create an undue financial hardship on the district. 41462

(3) Notwithstanding division (A) of this section, not more 41463
often than one fiscal year in every three consecutive fiscal 41464
years, any school district that does not satisfy the conditions 41465
for the exemption described in division (D)(1) of this section or 41466
the conditions to apply for the waiver described in division 41467
(D)(2) of this section may apply to the superintendent of public 41468
instruction for a waiver from the requirements of division (A) of 41469

this section, under which the district may be permitted to deposit 41470
an amount less than required by that division or permitted to make 41471
no deposit into the district capital and maintenance fund for that 41472
year. The superintendent may grant a waiver under division (D)(3) 41473
of this section if the district demonstrates to the satisfaction 41474
of the superintendent that compliance with division (A) of this 41475
section that year will necessitate the reduction or elimination of 41476
a program currently offered by the district that is critical to 41477
the academic success of students of the district and that no 41478
reasonable alternatives exist for spending reductions in other 41479
areas of operation within the district that negate the necessity 41480
of the reduction or elimination of that program. 41481

(E) Notwithstanding any provision to the contrary in Chapter 41482
4117. of the Revised Code, the requirements of this section 41483
prevail over any conflicting provisions of agreements between 41484
employee organizations and public employers entered into after 41485
November 21, 1997. 41486

(F) As used in this section, "student population" means the 41487
average, daily, full-time equivalent number of students in 41488
kindergarten through twelfth grade receiving any educational 41489
services from the school district during the first full school 41490
week in October, excluding students enrolled in adult education 41491
classes, but including all of the following: 41492

(1) Adjacent or other district students enrolled in the 41493
district under an open enrollment policy pursuant to section 41494
3313.98 of the Revised Code; 41495

(2) Students receiving services in the district pursuant to a 41496
compact, cooperative education agreement, or a contract, but who 41497
are entitled to attend school in another district pursuant to 41498
section 3313.64 or 3313.65 of the Revised Code; 41499

(3) Students for whom tuition is payable pursuant to sections 41500

3317.081 and 3323.141 of the Revised Code. 41501

The department of education shall determine a district's 41502
student population using data reported to it under section 3317.03 41503
of the Revised Code for the applicable fiscal year. 41504

Sec. 3315.33. There is hereby established a fund to be known 41505
as the Ohio scholarship fund for teacher trainees for the public 41506
purpose of relieving the existing teacher shortage in public 41507
schools, to be administered and expended as prescribed in sections 41508
3315.33 to 3315.35 of the Revised Code. Appropriations by the 41509
general assembly for the purpose of scholarships for teacher 41510
trainees shall be paid into this fund. 41511

Each scholarship for a teacher trainee shall have a maximum 41512
value of five hundred dollars annually and shall be awarded as 41513
follows: 41514

(A) The state board of education shall prescribe standards 41515
and requirements which shall be met by persons who are eligible 41516
for such scholarships. Scholarships shall be allocated among the 41517
counties of the state on an equitable basis by the state board of 41518
education, provided that not less than three such scholarships 41519
shall be available annually to residents of each county of the 41520
state. If, on the first day of September in each year, the state 41521
board of education finds that the number of eligible persons 41522
recommended from any county is less than the number of 41523
scholarships allocated to that county, it may reallocate the 41524
remaining scholarships among the counties in which the number of 41525
eligible persons exceeds the number of scholarships allocated. 41526
Such reallocation as may affect a county in one year shall not 41527
prejudice in any way the allocation to it in succeeding years. 41528

(B) In accordance with the requirements of sections 3315.33, 41529
3315.34, and 3315.35 of the Revised Code, the educational service 41530
center superintendent in each educational service center as 41531

committee chairperson shall appoint a committee consisting of one 41532
~~city or exempted village~~ high school principal, one elementary 41533
school principal, and one ~~city or exempted village~~ classroom 41534
teacher. This committee shall select and recommend, on the basis 41535
of merit, a number of high school graduates, not to exceed the 41536
number allocated to each county by the state board of education, 41537
who are interested in teaching and whose work and qualifications 41538
are such as to indicate that they possess the qualities which 41539
should be possessed by a successful teacher. Such persons shall 41540
not have previously been enrolled in any college of education or 41541
have majored in education in any college or university. Such other 41542
college training shall be considered in determining such person's 41543
qualifications to become a successful teacher. 41544

(C) The scholarship fund for teacher trainees shall be 41545
disbursed to scholarship holders upon their application as 41546
approved by the state board of education upon vouchers for that 41547
purpose. Such scholarships shall be paid in equal installments at 41548
the beginning of each quarter or semester while college is in 41549
session to each person who has been awarded such a scholarship 41550
when the following requirements are met: 41551

(1) Such person shall be a bona fide student in the college 41552
of education or department of teacher training in an Ohio 41553
institution of higher learning. 41554

(2) Such person shall pursue a course of study in elementary 41555
education in said college of education or department of teacher 41556
training approved by the state board of education. 41557

Sec. 3315.40. The board of education of a city, local, 41558
exempted village, or joint vocational school district or the 41559
governing board of any educational service center may establish an 41560
education foundation fund. Moneys in the fund shall consist of 41561
proceeds paid into the fund under division (B) of section 3313.36 41562

of the Revised Code. In addition, by resolution adopted by a 41563
majority of its members, a city, local, exempted village, or joint 41564
vocational board may annually direct the school district treasurer 41565
to pay into the education foundation fund an amount from the 41566
school district general fund not to exceed one-half of one per 41567
cent of the total appropriations of the school district as 41568
estimated by the board at the time the resolution is adopted or as 41569
set forth in the annual appropriation measure as most recently 41570
amended or supplemented; and any governing board, by resolution 41571
adopted by a majority of its members, may annually direct the 41572
service center treasurer to pay into the education foundation fund 41573
an amount not to exceed one-half of one per cent of the funds 41574
received by the governing board pursuant to an agreement entered 41575
into under section ~~3317.11~~ 3313.843 or 3313.845 of the Revised 41576
Code. 41577

Income from the investment of moneys in the fund shall be 41578
paid into the fund. A board, by resolution adopted by a majority 41579
of its members, may accept a trust created under section 3315.41 41580
of the Revised Code for the investment of money in the educational 41581
foundation fund and direct the school district or service center 41582
treasurer to pay to the trustee, the initial trust principal 41583
contemplated by the instrument creating the trust. A board that 41584
has accepted a trust created under section 3315.41 of the Revised 41585
Code may do any of the following by resolution adopted by a 41586
majority of its members: direct the school district or service 41587
center treasurer to pay additional amounts to the trust principal, 41588
amend the trust, revoke the trust, or provide for payment of 41589
compensation to the trustee. 41590

Moneys in the fund shall be expended only by resolution 41591
adopted by a majority of the members of the board for operating or 41592
capital costs of any existing or new and innovative program 41593
designed to enhance or promote education within the district or 41594

service center, such as scholarships for students or teachers. 41595

A board of education or governing board may appoint a 41596
committee of administrators to administer the education foundation 41597
fund and to make recommendations for the use of the fund. Members 41598
of the committee shall serve at the discretion of the appointing 41599
board. Members shall receive no compensation, but may be 41600
reimbursed for actual and necessary expenses incurred in the 41601
performance of their official duties. 41602

Sec. 3315.42. Sections 3315.40 and 3315.41 of the Revised 41603
Code do not apply to either of the following: 41604

(A) A school district that has received funds for a project 41605
under Chapter 3318. of the Revised Code, so long as the purchase 41606
price to be paid by the board for the state's interest in the 41607
project has not been paid; 41608

(B) A school district that has an outstanding loan under 41609
section 3313.483 ~~or sections 3317.62 to 3317.64~~ of the Revised 41610
Code. 41611

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 41612
133. or sections 3313.483 to ~~3313.4811~~ 3313.4810 of the Revised 41613
Code, and subject to the approval of the superintendent of public 41614
instruction, a school district that is in a state of fiscal watch 41615
declared under section 3316.03 of the Revised Code may restructure 41616
or refinance loans obtained or in the process of being obtained 41617
under section 3313.483 of the Revised Code if all of the following 41618
requirements are met: 41619

(1) The operating deficit certified for the school district 41620
for the current or preceding fiscal year under section 3313.483 of 41621
the Revised Code exceeds fifteen per cent of the district's 41622
general revenue fund for the fiscal year preceding the year for 41623
which the certification of the operating deficit is made. 41624

(2) The school district voters have, during the period of the 41625
fiscal watch, approved the levy of a tax under section 718.09, 41626
718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code 41627
that is not a renewal or replacement levy, or a levy under section 41628
5705.199 of the Revised Code, and that will provide new operating 41629
revenue. 41630

(3) The board of education of the school district has adopted 41631
or amended the financial plan required by section 3316.04 of the 41632
Revised Code to reflect the restructured or refinanced loans, and 41633
sets forth the means by which the district will bring projected 41634
operating revenues and expenditures, and projected debt service 41635
obligations, into balance for the life of any such loan. 41636

(B) Subject to the approval of the superintendent of public 41637
instruction, the school district may issue securities to evidence 41638
the restructuring or refinancing authorized by this section. Such 41639
securities may extend the original period for repayment not to 41640
exceed ten years, and may alter the frequency and amount of 41641
repayments, interest or other financing charges, and other terms 41642
or agreements under which the loans were originally contracted, 41643
provided the loans received under sections 3313.483 of the Revised 41644
Code are repaid from funds the district would otherwise receive 41645
under Chapter 3317. of the Revised Code, as required under 41646
division (E)(3) of section 3313.483 of the Revised Code. 41647
Securities issued for the purpose of restructuring or refinancing 41648
under this section shall be repaid in equal payments and at equal 41649
intervals over the term of the debt and are not eligible to be 41650
included in any subsequent proposal to restructure or refinance. 41651

(C) Unless the district is declared to be in a state of 41652
fiscal emergency under division (D) of section 3316.04 of the 41653
Revised Code, a school district shall remain in a state of fiscal 41654
watch for the duration of the repayment period of any loan 41655
restructured or refinanced under this section. 41656

Sec. 3316.06. (A) Within one hundred twenty days after the first meeting of a school district financial planning and supervision commission, the commission shall adopt a financial recovery plan regarding the school district for which the commission was created. During the formulation of the plan, the commission shall seek appropriate input from the school district board and from the community. This plan shall contain the following:

(1) Actions to be taken to:

(a) Eliminate all fiscal emergency conditions declared to exist pursuant to division (B) of section 3316.03 of the Revised Code;

(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits;

(c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven;

(d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any;

(e) Balance the budget, avoid future deficits in any funds, and maintain on a current basis payments of payroll, fringe benefits, and all accounts;

(f) Avoid any fiscal emergency condition in the future;

(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally.

(2) The management structure that will enable the school 41687
district to take the actions enumerated in division (A)(1) of this 41688
section. The plan shall specify the level of fiscal and management 41689
control that the commission will exercise within the school 41690
district during the period of fiscal emergency, and shall 41691
enumerate respectively, the powers and duties of the commission 41692
and the powers and duties of the school board during that period. 41693
The commission may elect to assume any of the powers and duties of 41694
the school board it considers necessary, including all powers 41695
related to personnel, curriculum, and legal issues in order to 41696
successfully implement the actions described in division (A)(1) of 41697
this section. 41698

(3) The target dates for the commencement, progress upon, and 41699
completion of the actions enumerated in division (A)(1) of this 41700
section and a reasonable period of time expected to be required to 41701
implement the plan. The commission shall prepare a reasonable time 41702
schedule for progress toward and achievement of the requirements 41703
for the plan, and the plan shall be consistent with that time 41704
schedule. 41705

(4) The amount and purpose of any issue of debt obligations 41706
that will be issued, together with assurances that any such debt 41707
obligations that will be issued will not exceed debt limits 41708
supported by appropriate certifications by the fiscal officer of 41709
the school district and the county auditor. Debt obligations 41710
issued pursuant to section 133.301 of the Revised Code shall 41711
include assurances that such debt shall be in an amount not to 41712
exceed the amount certified under division (B) of such section. If 41713
the commission considers it necessary in order to maintain or 41714
improve educational opportunities of pupils in the school 41715
district, the plan may include a proposal to restructure or 41716
refinance outstanding debt obligations incurred by the board under 41717
section 3313.483 of the Revised Code contingent upon the approval, 41718

during the period of the fiscal emergency, by district voters of a 41719
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 41720
5748.02, 5748.08, or 5748.09 of the Revised Code that is not a 41721
renewal or replacement levy, or a levy under section 5705.199 of 41722
the Revised Code, and that will provide new operating revenue. 41723
Notwithstanding any provision of Chapter 133. or sections 3313.483 41724
to ~~3313.4811~~ 3313.4810 of the Revised Code, following the required 41725
approval of the district voters and with the approval of the 41726
commission, the school district may issue securities to evidence 41727
the restructuring or refinancing. Those securities may extend the 41728
original period for repayment, not to exceed ten years, and may 41729
alter the frequency and amount of repayments, interest or other 41730
financing charges, and other terms of agreements under which the 41731
debt originally was contracted, at the discretion of the 41732
commission, provided that any loans received pursuant to section 41733
3313.483 of the Revised Code shall be paid from funds the district 41734
would otherwise receive under Chapter 3317. of the Revised Code, 41735
as required under division (E)(3) of section 3313.483 of the 41736
Revised Code. The securities issued for the purpose of 41737
restructuring or refinancing the debt shall be repaid in equal 41738
payments and at equal intervals over the term of the debt and are 41739
not eligible to be included in any subsequent proposal for the 41740
purpose of restructuring or refinancing debt under this section. 41741

(5) An evaluation of the feasibility of entering into shared 41742
services agreements with other political subdivisions for the 41743
joint exercise of any power, performance of any function, or 41744
rendering of any service, if so authorized by statute. 41745

(B) Any financial recovery plan may be amended subsequent to 41746
its adoption. Each financial recovery plan shall be updated 41747
annually. 41748

(C) Each school district financial planning and supervision 41749
commission shall submit the financial recovery plan it adopts or 41750

updates under this section to the state superintendent of public 41751
instruction for approval immediately following its adoption or 41752
updating. The state superintendent shall evaluate the plan and 41753
either approve or disapprove it within thirty calendar days from 41754
the date of its submission. If the plan is disapproved, the state 41755
superintendent shall recommend modifications that will render it 41756
acceptable. No financial planning and supervision commission shall 41757
implement a financial recovery plan that is adopted or updated on 41758
or after April 10, 2001, unless the state superintendent has 41759
approved it. 41760

Sec. 3317.01. As used in this section, "school district," 41761
unless otherwise specified, means any city, local, exempted 41762
village, joint vocational, or cooperative education school 41763
district and any educational service center. 41764

This chapter shall be administered by the state board of 41765
education. The superintendent of public instruction shall 41766
calculate the amounts payable to each school district and shall 41767
certify the amounts payable to each eligible district to the 41768
treasurer of the district as provided by this chapter. As soon as 41769
possible after such amounts are calculated, the superintendent 41770
shall certify to the treasurer of each school district the 41771
district's adjusted charge-off increase, as defined in section 41772
5705.211 of the Revised Code. Certification of moneys pursuant to 41773
this section shall include the amounts payable to each school 41774
building, at a frequency determined by the superintendent, for 41775
each subgroup of students, as defined in section 3317.40 of the 41776
Revised Code, receiving services, provided for by state funding, 41777
from the district or school. No moneys shall be distributed 41778
pursuant to this chapter without the approval of the controlling 41779
board. 41780

The state board of education shall, in accordance with 41781

appropriations made by the general assembly, meet the financial 41782
obligations of this chapter. 41783

Moneys distributed pursuant to this chapter shall be 41784
calculated and paid on a fiscal year basis, beginning with the 41785
first day of July and extending through the thirtieth day of June. 41786
The moneys appropriated for each fiscal year shall be distributed 41787
periodically to each school district unless otherwise provided 41788
for. The state board, in June of each year, shall submit to the 41789
controlling board the state board's year-end distributions 41790
pursuant to this chapter. 41791

Except as otherwise provided, payments under this chapter 41792
shall be made only to those school districts in which: 41793

(A) The school district, except for any educational service 41794
center and any joint vocational or cooperative education school 41795
district, levies for current operating expenses at least twenty 41796
mills. Levies for joint vocational or cooperative education school 41797
districts or county school financing districts, limited to or to 41798
the extent apportioned to current expenses, shall be included in 41799
this qualification requirement. School district income tax levies 41800
under Chapter 5748. of the Revised Code, limited to or to the 41801
extent apportioned to current operating expenses, shall be 41802
included in this qualification requirement to the extent 41803
determined by the tax commissioner under division (D) of section 41804
3317.021 of the Revised Code. 41805

(B) The school year next preceding the fiscal year for which 41806
such payments are authorized meets the requirement of section 41807
3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 41808
minimum number of ~~days or~~ hours school must be open for 41809
instruction with pupils in attendance, for individualized 41810
parent-teacher conference and reporting periods, and for 41811
professional meetings of teachers. ~~This requirement shall be~~ 41812
~~waived by the superintendent of public instruction if it had been~~ 41813

~~necessary for a school to be closed because of disease epidemic, 41814~~
~~hazardous weather conditions, law enforcement emergencies, 41815~~
~~inoperability of school buses or other equipment necessary to the 41816~~
~~school's operation, damage to a school building, or other 41817~~
~~temporary circumstances due to utility failure rendering the 41818~~
~~school building unfit for school use, provided that for those 41819~~
~~school districts operating pursuant to section 3313.48 of the 41820~~
~~Revised Code the number of days the school was actually open for 41821~~
~~instruction with pupils in attendance and for individualized 41822~~
~~parent-teacher conference and reporting periods is not less than 41823~~
~~one hundred seventy five, or for those school districts operating 41824~~
~~on a trimester plan the number of days the school was actually 41825~~
~~open for instruction with pupils in attendance not less than 41826~~
~~seventy nine days in any trimester, for those school districts 41827~~
~~operating on a quarterly plan the number of days the school was 41828~~
~~actually open for instruction with pupils in attendance not less 41829~~
~~than fifty nine days in any quarter, or for those school districts 41830~~
~~operating on a pentamester plan the number of days the school was 41831~~
~~actually open for instruction with pupils in attendance not less 41832~~
~~than forty four days in any pentamester. 41833~~

A school district shall not be considered to have failed to 41834
comply with this division ~~or section 3313.481 of the Revised Code~~ 41835
because schools were open for instruction but either twelfth grade 41836
students were excused from attendance for up to the equivalent of 41837
three school days or only a portion of the kindergarten students 41838
were in attendance for up to the equivalent of three school days 41839
in order to allow for the gradual orientation to school of such 41840
students. 41841

~~The superintendent of public instruction shall waive the 41842~~
~~requirements of this section with reference to the minimum number 41843~~
~~of days or hours school must be in session with pupils in 41844~~
~~attendance for the school year succeeding the school year in which 41845~~

~~a board of education initiates a plan of operation pursuant to 41846
section 3313.481 of the Revised Code. The minimum requirements of 41847
this section shall again be applicable to such a district 41848
beginning with the school year commencing the second July 41849
succeeding the initiation of one such plan, and for each school 41850
year thereafter. 41851~~

~~A school district shall not be considered to have failed to 41852
comply with this division or section 3313.48 or 3313.481 of the 41853
Revised Code because schools were open for instruction but the 41854
length of the regularly scheduled school day, for any number of 41855
days during the school year, was reduced by not more than two 41856
hours due to hazardous weather conditions. 41857~~

A board of education or governing board of an educational 41858
service center which has not conformed with other law and the 41859
rules pursuant thereto, shall not participate in the distribution 41860
of funds authorized by this chapter, except for good and 41861
sufficient reason established to the satisfaction of the state 41862
board of education and the state controlling board. 41863

All funds allocated to school districts under this chapter, 41864
except those specifically allocated for other purposes, shall be 41865
used to pay current operating expenses only. 41866

Sec. 3317.013. ~~Except for a preschool child with a disability 41867
for whom a scholarship has been awarded under section 3310.41 of 41868
the Revised Code, this section does not apply to preschool 41869
children with disabilities. 41870~~

~~Analysis of special education cost data has resulted in a 41871
finding that the average special education additional cost per 41872
pupil, including the costs of related services, can be expressed 41873
as a multiple of the formula amount. The multiples amounts for the 41874
following categories of special education programs, as these 41875
programs are defined for purposes of Chapter 3323. of the Revised 41876~~

Code, and ~~adjusted as provided in this section,~~ are as follows: 41877

(A) ~~A multiple of 0.2906~~ An amount of \$1,902 for ~~students~~ 41878
each student whose primary or only identified disability is a 41879
speech and language disability, as this term is defined pursuant 41880
to Chapter 3323. of the Revised Code; 41881

(B) ~~A multiple of 0.7374~~ An amount of \$4,827 for ~~students~~ 41882
each student identified as specific learning disabled or 41883
developmentally disabled, as these terms are defined pursuant to 41884
Chapter 3323. of the Revised Code, ~~or identified~~ as having an 41885
other health impairment-minor, or identified as a preschool child 41886
who is developmentally delayed; 41887

(C) ~~A multiple of 1.7716~~ An amount of \$11,596 for ~~students~~ 41888
each student identified as hearing disabled or severe behavior 41889
disabled, as these terms are defined pursuant to Chapter 3323. of 41890
the Revised Code; 41891

(D) ~~A multiple of 2.3643~~ An amount of \$15,475 for ~~students~~ 41892
each student identified as vision impaired, as this term is 41893
defined pursuant to Chapter 3323. of the Revised Code, or as 41894
having an other health impairment-major; 41895

(E) ~~A multiple of 3.2022~~ An amount of \$20,959 for ~~students~~ 41896
each student identified as orthopedically disabled or as having 41897
multiple disabilities, as these terms are defined pursuant to 41898
Chapter 3323. of the Revised Code; 41899

(F) ~~A multiple of 4.7205~~ An amount of \$30,896 for ~~students~~ 41900
each student identified as autistic, having a traumatic brain 41901
~~injuries~~ injury, or as both visually and hearing impaired, as 41902
these terms are defined pursuant to Chapter 3323. of the Revised 41903
Code. 41904

~~In fiscal years 2008, 2009, 2010, 2011, 2012, and 2013, the~~ 41905
~~multiples specified in divisions (A) to (F) of this section shall~~ 41906
~~be adjusted by multiplying them by 0.90.~~ 41907

Sec. 3317.014. The career-technical education additional 41908
amount per pupil for each student enrolled in career-technical 41909
education programs approved by the department of education in 41910
accordance with rules adopted under section 3313.90 of the Revised 41911
Code shall be as follows: 41912

(A) An amount of \$2,900 for each student enrolled in 41913
career-technical education workforce development programs in 41914
environmental and agricultural systems, construction technologies, 41915
engineering and science technologies, finance, health science, 41916
information technology, and manufacturing technologies; 41917

(B) An amount of \$2,600 for each student enrolled in 41918
workforce development programs in business and administration, 41919
hospitality and tourism, human services, law and public safety, 41920
and transportation systems; 41921

(C) An amount of \$1,650 for students enrolled in workforce 41922
development career-based intervention programs; 41923

(D) An amount of \$1,200 for students enrolled in workforce 41924
development programs in arts and communications, education and 41925
training, marketing, workforce development academics, and career 41926
development; 41927

(E) An amount of \$900 for students enrolled in family and 41928
consumer science programs. 41929

Sec. 3317.016. The amounts for limited English proficiency 41930
students shall be as follows: 41931

(A) An amount of \$1,500 for each student who has been 41932
enrolled in schools in the United States for 180 school days or 41933
less and was not previously exempted from taking the spring 41934
administration of either of the state's English language arts 41935
assessments prescribed by section 3301.0710 of the Revised Code 41936
(reading or writing). 41937

(B) An amount of \$1,125 for each student who has been 41938
enrolled in schools in the United States for more than 180 school 41939
days or was previously exempted from taking the spring 41940
administration of either of the state's English language arts 41941
assessments prescribed by section 3301.0710 of the Revised Code 41942
(reading or writing). 41943

(C) An amount of \$750 for each student who does not qualify 41944
for inclusion under division (A) or (B) of this section and is in 41945
a trial-mainstream period, as defined by the department. 41946

(D) An amount of \$375 for each student who does not qualify 41947
for inclusion under division (A), (B), or (C) of this section and 41948
for whom the main language spoken at home is not English, as 41949
defined by the department. 41950

Sec. 3317.02. As used in this chapter: 41951

(A)(1) "Category one limited English proficient ADM" means 41952
the average daily membership of limited English proficient 41953
students described in division (A) of section 3317.016 of the 41954
Revised Code and reported under division (B)(16) or (D)(2)(h) of 41955
section 3317.03 of the Revised Code. 41956

(2) "Category two limited English proficient ADM" means the 41957
average daily membership of limited English proficient students 41958
described in division (B) of section 3317.016 of the Revised Code 41959
and reported under division (B)(17) or (D)(2)(i) of section 41960
3317.03 of the Revised Code. 41961

(3) "Category three limited English proficient ADM" means the 41962
average daily membership of limited English proficient students 41963
described in division (C) of section 3317.016 of the Revised Code 41964
and reported under division (B)(18) or (D)(2)(j) of section 41965
3317.03 of the Revised Code. 41966

(4) "Category four limited English proficient ADM" means the 41967

average daily membership of limited English proficient students 41968
described in division (D) of section 3317.016 of the Revised Code 41969
and reported under division (B)(19) or (D)(2)(k) of section 41970
3317.03 of the Revised Code. 41971

(B)(1) "Category one special education ADM" means the average 41972
daily membership of children with disabilities receiving special 41973
education services for the disability specified in division (A) of 41974
section 3317.013 of the Revised Code and reported under division 41975
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 41976

(2) "Category two special education ADM" means the average 41977
daily membership of children with disabilities receiving special 41978
education services for those disabilities specified in division 41979
(B) of section 3317.013 of the Revised Code and reported under 41980
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 41981
Code. 41982

(3) "Category three special education ADM" means the average 41983
daily membership of students receiving special education services 41984
for those disabilities specified in division (C) of section 41985
3317.013 of the Revised Code, and reported under division (B)(7) 41986
or (D)(2)(d) of section 3317.03 of the Revised Code. 41987

(4) "Category four special education ADM" means the average 41988
daily membership of students receiving special education services 41989
for those disabilities specified in division (D) of section 41990
3317.013 of the Revised Code and reported under division (B)(8) or 41991
(D)(2)(e) of section 3317.03 of the Revised Code. 41992

(5) "Category five special education ADM" means the average 41993
daily membership of students receiving special education services 41994
for the disabilities specified in division (E) of section 3317.013 41995
of the Revised Code and reported under division (B)(9) or 41996
(D)(2)(f) of section 3317.03 of the Revised Code. 41997

(6) "Category six special education ADM" means the average 41998

daily membership of students receiving special education services 41999
for the disabilities specified in division (F) of section 3317.013 42000
of the Revised Code and reported under division (B)(10) or 42001
(D)(2)(g) of section 3317.03 of the Revised Code. 42002

(C) "County DD board" means a county board of developmental 42003
disabilities. 42004

(D) "Early childhood access count for a school district" 42005
means the quotient obtained by dividing that district's 42006
kindergarten count by the number of publicly funded preschool 42007
providers in the district or, if the number of providers in a 42008
district is equal to zero, the quotient obtained by dividing the 42009
kindergarten count for the county the district is principally 42010
located in by the number of publicly funded preschool providers in 42011
that county. 42012

(E) "Early childhood access index for a school district" 42013
means the quotient obtained by dividing the district's early 42014
childhood access count by the statewide early childhood access 42015
count. 42016

(F) "Economically disadvantaged index for a school district" 42017
means the quotient of that district's percentage of students in 42018
its total ADM who are identified as economically disadvantaged as 42019
defined by the department of education, divided by the statewide 42020
percentage of students identified as economically disadvantaged. 42021

(G)(1) "Formula ADM" means, for a city, local, or exempted 42022
village school district, the average daily membership described in 42023
division (A) of section 3317.03 of the Revised Code, as verified 42024
by the superintendent of public instruction and adjusted if so 42025
ordered under division (K) of that section, and as further 42026
adjusted by counting only twenty per cent of the number of joint 42027
vocational school district students counted under division (A)(3) 42028
of section 3317.03 of the Revised Code. 42029

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(H) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career technical education ADM in the same proportion the student is counted in formula ADM.

(I) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(J) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(K)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition

that is among those listed by the superintendent of public 42060
instruction as conditions where a substantial majority of cases 42061
fall within the definition of "medically fragile child." 42062

(b) The child is determined by the superintendent of public 42063
instruction to be a medically fragile child. A school district 42064
superintendent may petition the superintendent of public 42065
instruction for a determination that a child is a medically 42066
fragile child. 42067

(2) A child may be identified as having an "other health 42068
impairment-minor" if the child's condition meets the definition of 42069
"other health impaired" established in rules previously adopted by 42070
the state board of education but the child's condition does not 42071
meet either of the conditions specified in division (K)(1)(a) or 42072
(b) of this section. 42073

(L) "Preschool child with a disability" means a child with a 42074
disability, as defined in section 3323.01 of the Revised Code, who 42075
is at least age three but is not of compulsory school age, as 42076
defined in section 3321.01 of the Revised Code, and who is not 42077
currently enrolled in kindergarten. 42078

(M) "Preschool scholarship ADM" means the number of preschool 42079
children with disabilities reported under division (B)(3)(h) of 42080
section 3317.03 of the Revised Code. 42081

(N) "Related services" includes: 42082

(1) Child study, special education supervisors and 42083
coordinators, speech and hearing services, adaptive physical 42084
development services, occupational or physical therapy, teacher 42085
assistants for children with disabilities whose disabilities are 42086
described in division (B) of section 3317.013 or division (B)(3) 42087
of this section, behavioral intervention, interpreter services, 42088
work study, nursing services, and specialized integrative services 42089
as those terms are defined by the department; 42090

<u>(2) Speech and language services provided to any student with</u>	42091
<u>a disability, including any student whose primary or only</u>	42092
<u>disability is a speech and language disability;</u>	42093
<u>(3) Any related service not specifically covered by other</u>	42094
<u>state funds but specified in federal law, including but not</u>	42095
<u>limited to, audiology and school psychological services;</u>	42096
<u>(4) Any service included in units funded under former</u>	42097
<u>division (O)(1) of section 3317.024 of the Revised Code;</u>	42098
<u>(5) Any other related service needed by children with</u>	42099
<u>disabilities in accordance with their individualized education</u>	42100
<u>programs.</u>	42101
<u>(O) "School district," unless otherwise specified, means</u>	42102
<u>city, local, and exempted village school districts.</u>	42103
<u>(P) "State education aid" has the same meaning as in section</u>	42104
<u>5751.20 of the Revised Code.</u>	42105
<u>(Q) "State share index" means the product of all of the</u>	42106
<u>following:</u>	42107
<u>(1) A school district's valuation index;</u>	42108
<u>(2) The difference between the maximum and minimum of the</u>	42109
<u>valuation indexes for all school districts with a total ADM</u>	42110
<u>greater than zero divided by 0.9;</u>	42111
<u>(3) 0.1.</u>	42112
<u>If a school district's state share index is less than 0.05, it</u>	42113
<u>shall be considered to be 0.05. If a school district's state share</u>	42114
<u>index is greater than 0.95, it shall be considered to be 0.95.</u>	42115
<u>(R) "Taxes charged and payable" means the taxes charged and</u>	42116
<u>payable against real and public utility property after making the</u>	42117
<u>reduction required by section 319.301 of the Revised Code, plus</u>	42118
<u>the taxes levied against tangible personal property.</u>	42119

(S) "Total ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(T) "Total special education ADM" means the sum of categories one through six special education ADM.

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(V) "Valuation index" means the quotient obtained by dividing the quotient of the statewide three-year average valuation for school districts with a total ADM greater than zero and the current year statewide total ADM by the quotient of a school district's three-year average valuation and its current year total ADM.

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (7) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, 42150
including public utility personal property, subject to taxation by 42151
the district for the preceding tax year. 42152

(3)(a) The total property tax rate and total taxes charged 42153
and payable for the current expenses for the preceding tax year 42154
and the total property tax rate and the total taxes charged and 42155
payable to a joint vocational district for the preceding tax year 42156
that are limited to or to the extent apportioned to current 42157
expenses. 42158

(b) The portion of the amount of taxes charged and payable 42159
reported for each city, local, and exempted village school 42160
district under division (A)(3)(a) of this section attributable to 42161
a joint vocational school district. 42162

(4) The value of all real and public utility real property in 42163
the school district exempted from taxation minus both of the 42164
following: 42165

(a) The value of real and public utility real property in the 42166
district owned by the United States government and used 42167
exclusively for a public purpose; 42168

(b) The value of real and public utility real property in the 42169
district exempted from taxation under Chapter 725. or 1728. or 42170
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 42171
5709.73, or 5709.78 of the Revised Code. 42172

(5) The total federal adjusted gross income of the residents 42173
of the school district, based on tax returns filed by the 42174
residents of the district, for the most recent year for which this 42175
information is available. 42176

~~(6) The sum of the school district compensation value as 42177~~
~~indicated on the list of exempted property for the preceding tax 42178~~
~~year under section 5713.08 of the Revised Code as if such property 42179~~
~~had been assessed for taxation that year and the other 42180~~

~~compensation value for the school district, minus the amounts 42181~~
~~described in divisions (A)(6)(c) to (i) of this section. The 42182~~
~~portion of school district compensation value or other 42183~~
~~compensation value attributable to an incentive district exemption 42184~~
~~may be subtracted only once even if that incentive district 42185~~
~~satisfies more than one of the criteria in divisions (A)(6)(c) to 42186~~
~~(i) of this section. 42187~~

~~(a) "School district compensation value" means the aggregate 42188~~
~~value of real property in the school district exempted from 42189~~
~~taxation pursuant to an ordinance or resolution adopted under 42190~~
~~division (C) of section 5709.40, division (C) of section 5709.73, 42191~~
~~or division (B) of section 5709.78 of the Revised Code to the 42192~~
~~extent that the exempted value results in the charging of payments 42193~~
~~in lieu of taxes required to be paid to the school district under 42194~~
~~division (D)(1) or (2) of section 5709.40, division (D) of section 42195~~
~~5709.73, or division (C) of section 5709.78 of the Revised Code. 42196~~

~~(b) "Other compensation value" means the quotient that 42197~~
~~results from dividing (i) the dollar value of compensation 42198~~
~~received by the school district during the preceding tax year 42199~~
~~pursuant to division (B), (C), or (D) of section 5709.82 of the 42200~~
~~Revised Code and the amounts received pursuant to an agreement as 42201~~
~~specified in division (D)(2) of section 5709.40, division (D) of 42202~~
~~section 5709.73, or division (C) of section 5709.78 of the Revised 42203~~
~~Code to the extent those amounts were not previously reported or 42204~~
~~included in division (A)(6)(a) of this section, and so that any 42205~~
~~such amount is reported only once under division (A)(6)(b) of this 42206~~
~~section, in relation to exemptions from taxation granted pursuant 42207~~
~~to an ordinance or resolution adopted under division (C) of 42208~~
~~section 5709.40, division (C) of section 5709.73, or division (B) 42209~~
~~of section 5709.78 of the Revised Code, by (ii) the real property 42210~~
~~tax rate in effect for the preceding tax year for 42211~~
~~nonresidential/agricultural real property after making the 42212~~

~~reductions required by section 319.301 of the Revised Code.~~ 42213

~~(c) The portion of school district compensation value or 42214
other compensation value that was exempted from taxation pursuant 42215
to such an ordinance or resolution for the preceding tax year, if 42216
the ordinance or resolution is adopted prior to January 1, 2006, 42217
and the legislative authority or board of township trustees or 42218
county commissioners, prior to January 1, 2006, executes a 42219
contract or agreement with a developer, whether for profit or 42220
not for profit, with respect to the development of a project 42221
undertaken or to be undertaken and identified in the ordinance or 42222
resolution, and upon which parcels such project is being, or will 42223
be, undertaken; 42224~~

~~(d) The portion of school district compensation value that 42225
was exempted from taxation for the preceding tax year and for 42226
which payments in lieu of taxes for the preceding tax year were 42227
provided to the school district under division (D)(1) of section 42228
5709.40 of the Revised Code. 42229~~

~~(e) The portion of school district compensation value that 42230
was exempted from taxation for the preceding tax year pursuant to 42231
such an ordinance or resolution, if and to the extent that, on or 42232
before April 1, 2006, the fiscal officer of the municipal 42233
corporation that adopted the ordinance, or of the township or 42234
county that adopted the resolution, certifies and provides 42235
appropriate supporting documentation to the tax commissioner and 42236
the director of development that, based on hold harmless 42237
provisions in any agreement between the school district and the 42238
legislative authority of the municipal corporation, board of 42239
township trustees, or board of county commissioners that was 42240
entered into on or before June 1, 2005, the ability or obligation 42241
of the municipal corporation, township, or county to repay bonds, 42242
notes, or other financial obligations issued or entered into prior 42243
to January 1, 2006, will be impaired, including obligations to or 42244~~

~~of any other body corporate and politic with whom the legislative
authority of the municipal corporation or board of township
trustees or county commissioners has entered into an agreement
pertaining to the use of service payments derived from the
improvements exempted;~~

~~(f) The portion of school district compensation value that
was exempted from taxation for the preceding tax year pursuant to
such an ordinance or resolution, if the ordinance or resolution is
adopted prior to January 1, 2006, in a municipal corporation with
a population that exceeds one hundred thousand, as shown by the
most recent federal decennial census, that includes a major
employment center and that is adjacent to historically distressed
neighborhoods, if the legislative authority of the municipal
corporation that exempted the property prepares an economic
analysis that demonstrates that all taxes generated within the
incentive district accruing to the state by reason of improvements
constructed within the district during its existence exceed the
amount the state pays the school district under section 3317.022
of the Revised Code attributable to such property exemption from
the school district's recognized valuation. The analysis shall be
submitted to and approved by the department of development prior
to January 1, 2006, and the department shall not unreasonably
withhold approval.~~

~~(g) The portion of school district compensation value that
was exempted from taxation for the preceding tax year under such
an ordinance or resolution, if the ordinance or resolution is
adopted prior to January 1, 2006, and if service payments have
been pledged to be used for mixed-use riverfront entertainment
development in any county with a population that exceeds six
hundred thousand, as shown by the most recent federal decennial
census;~~

~~(h) The portion of school district compensation value that~~

~~was exempted from taxation for the preceding tax year under such 42277~~
~~an ordinance or resolution, if, prior to January 1, 2006, the 42278~~
~~legislative authority of a municipal corporation, board of 42279~~
~~township trustees, or board of county commissioners has pledged 42280~~
~~service payments for a designated transportation capacity project 42281~~
~~approved by the transportation review advisory council under 42282~~
~~Chapter 5512. of the Revised Code, 42283~~

~~(i) The portion of school district compensation value that 42284~~
~~was exempted from taxation for the preceding tax year under such 42285~~
~~an ordinance or resolution if the legislative authority of a 42286~~
~~municipal corporation, board of township trustees, or board of 42287~~
~~county commissioners have, by January 1, 2006, pledged proceeds 42288~~
~~for designated transportation improvement projects that involve 42289~~
~~federal funds for which the proceeds are used to meet a local 42290~~
~~share match requirement for such funding. 42291~~

~~As used in division (A)(6) of this section, "project" has the 42292~~
~~same meaning as in section 5709.40 of the Revised Code. 42293~~

~~(7) The aggregate value of real property in the school 42294~~
~~district for which an exemption from taxation is granted by an 42295~~
~~ordinance or resolution adopted on or after January 1, 2006, under 42296~~
~~Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 42297~~
~~5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 42298~~
~~Code, as indicated on the list of exempted property for the 42299~~
~~preceding tax year under section 5713.08 of the Revised Code and 42300~~
~~as if such property had been assessed for taxation that year, 42301~~
~~minus the product determined by multiplying (a) the aggregate 42302~~
~~value of the real property in the school district exempted from 42303~~
~~taxation for the preceding tax year under any of the chapters or 42304~~
~~sections specified in this division, by (b) a fraction, the 42305~~
~~numerator of which is the difference between (i) the amount of 42306~~
~~anticipated revenue such school district would have received for 42307~~
~~the preceding tax year if the real property exempted from taxation 42308~~

~~had not been exempted from taxation and (ii) the aggregate amount 42309
of payments in lieu of taxes on the exempt real property for the 42310
preceding tax year and other compensation received for the 42311
preceding tax year by the school district pursuant to any 42312
agreements entered into on or after January 1, 2006, under section 42313
5709.82 of the Revised Code between the school district and the 42314
legislative authority of a political subdivision that acted under 42315
the authority of a chapter or statute specified in this division, 42316
that were entered into in relation to such exemption, and the 42317
denominator of which is the amount of anticipated revenue such 42318
school district would have received in the preceding fiscal year 42319
if the real property exempted from taxation had not been exempted. 42320~~

(B) On or before the first day of May each year, the tax 42321
commissioner shall certify to the department of education and the 42322
office of budget and management the total taxable real property 42323
value of railroads and, separately, the total taxable tangible 42324
personal property value of all public utilities for the preceding 42325
tax year, by school district and by county of location. 42326

(C) If a public utility has properly and timely filed a 42327
petition for reassessment under section 5727.47 of the Revised 42328
Code with respect to an assessment issued under section 5727.23 of 42329
the Revised Code affecting taxable property apportioned by the tax 42330
commissioner to a school district, the taxable value of public 42331
utility tangible personal property included in the certification 42332
under divisions (A)(2) and (B) of this section for the school 42333
district shall include only the amount of taxable value on the 42334
basis of which the public utility paid tax for the preceding year 42335
as provided in division (B)(1) or (2) of section 5727.47 of the 42336
Revised Code. 42337

(D) If on the basis of the information certified under 42338
division (A) of this section, the department determines that any 42339
district fails in any year to meet the qualification requirement 42340

specified in division (A) of section 3317.01 of the Revised Code, 42341
the department shall immediately request the tax commissioner to 42342
determine the extent to which any school district income tax 42343
levied by the district under Chapter 5748. of the Revised Code 42344
shall be included in meeting that requirement. Within five days of 42345
receiving such a request from the department, the tax commissioner 42346
shall make the determination required by this division and report 42347
the quotient obtained under division (D)(3) of this section to the 42348
department and the office of budget and management. This quotient 42349
represents the number of mills that the department shall include 42350
in determining whether the district meets the qualification 42351
requirement of division (A) of section 3317.01 of the Revised 42352
Code. 42353

The tax commissioner shall make the determination required by 42354
this division as follows: 42355

(1) Multiply one mill times the total taxable value of the 42356
district as determined in divisions (A)(1) and (2) of this 42357
section; 42358

(2) Estimate the total amount of tax liability for the 42359
current tax year under taxes levied by Chapter 5748. of the 42360
Revised Code that are apportioned to current operating expenses of 42361
the district, excluding any income tax receipts allocated for the 42362
project cost, debt service, or maintenance set-aside associated 42363
with a state-assisted classroom facilities project as authorized 42364
by section 3318.052 of the Revised Code; 42365

(3) Divide the amount estimated under division (D)(2) of this 42366
section by the product obtained under division (D)(1) of this 42367
section. 42368

~~(E)(1) On or before June 1, 2006, and the first day of April 42369~~
~~of each year thereafter, the director of development shall report 42370~~
~~to the department of education, the tax commissioner, and the 42371~~

~~director of budget and management the total amounts of payments 42372
received by each city, local, exempted village, or joint 42373
vocational school district for the preceding tax year pursuant to 42374
division (D) of section 5709.40, division (D) of section 5709.73, 42375
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 42376
or (D) of section 5709.82 of the Revised Code in relation to 42377
exemptions from taxation granted pursuant to an ordinance adopted 42378
by the legislative authority of a municipal corporation under 42379
division (C) of section 5709.40 of the Revised Code, or a 42380
resolution adopted by a board of township trustees or board of 42381
county commissioners under division (C) of section 5709.73 or 42382
division (B) of section 5709.78 of the Revised Code, respectively. 42383
On or before April 1, 2006, and the first day of March of each 42384
year thereafter, the treasurer of each city, local, exempted 42385
village, or joint vocational school district that has entered into 42386
such an agreement shall report to the director of development the 42387
total amounts of such payments the district received for the 42388
preceding tax year as provided in this section. The state board of 42389
education, in accordance with sections 3319.31 and 3319.311 of the 42390
Revised Code, may suspend or revoke the license of a treasurer 42391
found to have willfully reported erroneous, inaccurate, or 42392
incomplete data under this division. 42393~~

~~(2) On or before April 1, 2007, and the first day of April of 42394
each year thereafter, the director of development shall report to 42395
the department of education, the tax commissioner, and the 42396
director of budget and management the total amounts of payments 42397
received by each city, local, exempted village, or joint 42398
vocational school district for the preceding tax year pursuant to 42399
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 42400
in relation to exemptions from taxation granted pursuant to 42401
ordinances or resolutions adopted on or after January 1, 2006, 42402
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 42403
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 42404~~

~~Revised Code. On or before March 1, 2007, and the first day of~~ 42405
~~March of each year thereafter, the treasurer of each city, local,~~ 42406
~~exempted village, or joint vocational school district that has~~ 42407
~~entered into such an agreement shall report to the director of~~ 42408
~~development the total amounts of such payments the district~~ 42409
~~received for the preceding tax year as provided by this section.~~ 42410
~~The state board of education, in accordance with sections 3319.31~~ 42411
~~and 3319.311 of the Revised Code, may suspend or revoke the~~ 42412
~~license of a treasurer found to have willfully reported erroneous,~~ 42413
~~inaccurate, or incomplete data under this division.~~ 42414

Sec. 3317.022. (A) The department of education shall compute 42415
and distribute state core foundation funding to each eligible 42416
school district for the fiscal year, using the information 42417
obtained under section 3317.021 of the Revised Code in the 42418
calendar year in which the fiscal year begins, as prescribed in 42419
the following divisions: 42420

(1) An opportunity grant calculated under the following 42421
formula: 42422

{ \$250,000 - [the district's three-year average valuation / 42423
(total ADM + preschool scholarship ADM)] } X 0.02 X (formula ADM + 42424
preschool scholarship ADM). 42425

If the result of a calculation for a school district under 42426
division (A)(1) of this section is less than zero, the district's 42427
opportunity grant shall be zero. 42428

(2) Targeted assistance funds calculated under section 42429
3317.0217 of the Revised Code. 42430

(3) Additional state aid for special education and related 42431
services provided under Chapter 3323. of the Revised Code 42432
calculated as the sum of the following: 42433

(a) The district's category one special education ADM X the 42434

<u>amount specified in division (A) of section 3317.013 of the</u>	42435
<u>Revised Code X the district's state share index;</u>	42436
<u>(b) The district's category two special education ADM X the</u>	42437
<u>amount specified in division (B) of section 3317.013 of the</u>	42438
<u>Revised Code X the district's state share index;</u>	42439
<u>(c) The district's category three special education ADM X the</u>	42440
<u>amount specified in division (C) of section 3317.013 of the</u>	42441
<u>Revised Code X the district's state share index;</u>	42442
<u>(d) The district's category four special education ADM X the</u>	42443
<u>amount specified in division (D) of section 3317.013 of the</u>	42444
<u>Revised Code X the district's state share index;</u>	42445
<u>(e) The district's category five special education ADM X the</u>	42446
<u>amount specified in division (E) of section 3317.013 of the</u>	42447
<u>Revised Code X the district's state share index;</u>	42448
<u>(f) The district's category six special education ADM X the</u>	42449
<u>amount specified in division (F) of section 3317.013 of the</u>	42450
<u>Revised Code X the district's state share index.</u>	42451
<u>(4) Early childhood access funds for each district with an</u>	42452
<u>economically disadvantaged index greater than 1.0 and an early</u>	42453
<u>childhood access index greater than 0.50, calculated under the</u>	42454
<u>following formula:</u>	42455
<u>2 X the full-time equivalent number of kindergarten students</u>	42456
<u>as reported under section 3317.03 of the Revised Code X \$600 X the</u>	42457
<u>district's early childhood access index.</u>	42458
<u>(5) Economically disadvantaged funds calculated under the</u>	42459
<u>following formula:</u>	42460
<u>The number of students who are economically disadvantaged as</u>	42461
<u>reported under division (B)(22) of section 3317.03 of the Revised</u>	42462
<u>Code X \$500 X the district's economically disadvantaged index.</u>	42463
<u>(6) Limited English proficiency funds calculated as the sum</u>	42464

of the following: 42465

(a) The district's category one limited English proficiency 42466
ADM X the amount specified in division (A) of section 3317.016 of 42467
the Revised Code X the district's state share index; 42468

(b) The district's category two limited English proficiency 42469
ADM X the amount specified in division (B) of section 3317.016 of 42470
the Revised Code X the district's state share index; 42471

(c) The district's category three limited English proficiency 42472
ADM X the amount specified in division (C) of section 3317.016 of 42473
the Revised Code X the district's state share index; 42474

(d) The district's category four limited English proficiency 42475
ADM X the amount specified in division (D) of section 3317.016 of 42476
the Revised Code X the district's state share index. 42477

(7) Gifted funds calculated under the following formula: 42478

\$50 X the district's formula ADM. 42479

(B) In any fiscal year, a school district shall spend for 42480
purposes that the department designates as approved for special 42481
education and related services expenses at least the amount 42482
calculated as follows: 42483

((opportunity grant calculated under division (A)(1) 42484
of this section / the district's formula ADM) 42485
X the total special education ADM) + 42486
the amount paid to the district under division (A)(3) of this 42487
section 42488

The purposes approved by the department for special education 42489
expenses shall include, but shall not be limited to, 42490
identification of children with disabilities, compliance with 42491
state rules governing the education of children with disabilities 42492
and prescribing the continuum of program options for children with 42493
disabilities, provision of speech language pathology services, and 42494

the portion of the school district's overall administrative and 42495
overhead costs that are attributable to the district's special 42496
education student population. 42497

The scholarships deducted from the school district's account 42498
under sections 3310.41 and 3310.55 of the Revised Code shall be 42499
considered to be an approved special education and related 42500
services expense for the purpose of the school district's 42501
compliance with this division. 42502

Sec. 3317.023. (A) The amounts required to be paid to a 42503
district under this chapter shall be adjusted by the amount of the 42504
computations made under divisions (B) to (K) of this section. 42505

As used in this section and in sections 3317.16 to 3317.162 42506
of the Revised Code: 42507

(1) "~~VEPD~~ CTPD" means a school district or group of school 42508
districts designated by the department of education as being 42509
responsible for the planning for and provision of ~~vocational~~ 42510
career-technical education services to students within the 42511
district or group. 42512

(2) "Lead district" means a school district, including a 42513
joint vocational school district, designated by the department as 42514
a ~~VEPD~~ CTPD, or designated to provide primary ~~vocational~~ 42515
career-technical education leadership within a ~~VEPD~~ CTPD composed 42516
of a group of districts. 42517

(B) If a local ~~school district, or a~~ city, or exempted 42518
village school district to which a governing board of an 42519
educational service center provides services pursuant to an 42520
agreement entered into under section 3313.843 of the Revised Code, 42521
deduct the amount of the payment required for the reimbursement of 42522
the governing board under ~~section 3317.11 of the Revised Code~~ the 42523
agreement. 42524

(C)(1) If the district is required to pay to or entitled to 42525
receive tuition from another school district under division (C)(2) 42526
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 42527
or if the superintendent of public instruction is required to 42528
determine the correct amount of tuition and make a deduction or 42529
credit under section 3317.08 of the Revised Code, deduct and 42530
credit such amounts as provided in division (J) of section 3313.64 42531
or section 3317.08 of the Revised Code. 42532

(2) For each child for whom the district is responsible for 42533
tuition or payment under division (A)(1) of section 3317.082 or 42534
section 3323.091 of the Revised Code, deduct the amount of tuition 42535
or payment for which the district is responsible. 42536

(D) If the district has been certified by the superintendent 42537
of public instruction under section 3313.90 of the Revised Code as 42538
not in compliance with the requirements of that section, deduct an 42539
amount equal to ten per cent of the amount computed for the 42540
district under this chapter. 42541

(E) If the district has received a loan from a commercial 42542
lending institution for which payments are made by the 42543
superintendent of public instruction pursuant to division (E)(3) 42544
of section 3313.483 of the Revised Code, deduct an amount equal to 42545
such payments. 42546

(F)(1) If the district is a party to an agreement entered 42547
into under division (D), (E), or (F) of section 3311.06 or 42548
division (B) of section 3311.24 of the Revised Code and is 42549
obligated to make payments to another district under such an 42550
agreement, deduct an amount equal to such payments if the district 42551
school board notifies the department in writing that it wishes to 42552
have such payments deducted. 42553

(2) If the district is entitled to receive payments from 42554
another district that has notified the department to deduct such 42555

payments under division (F)(1) of this section, add the amount of 42556
such payments. 42557

(G) If the district is required to pay an amount of funds to 42558
a cooperative education district pursuant to a provision described 42559
by division (B)(4) of section 3311.52 or division (B)(8) of 42560
section 3311.521 of the Revised Code, deduct such amounts as 42561
provided under that provision and credit those amounts to the 42562
cooperative education district for payment to the district under 42563
division (B)(1) of section 3317.19 of the Revised Code. 42564

(H)(1) If a district is educating a student entitled to 42565
attend school in another district pursuant to a shared education 42566
contract, compact, or cooperative education agreement other than 42567
an agreement entered into pursuant to section 3313.842 of the 42568
Revised Code, credit to that educating district on an FTE basis 42569
both of the following: 42570

(a) ~~An amount equal to the formula amount~~ The per-pupil 42571
amount of the opportunity grant calculated under division (A)(1) 42572
of section 3317.022 of the Revised Code for the school district in 42573
which the student is entitled to attend school. 42574

(b) ~~An~~ Any ~~amount equal to \$5,732 times the state share~~ 42575
~~percentage times any multiple~~ applicable to the student ~~for fiscal~~ 42576
~~year 2009~~ pursuant to section 3317.013 or 3317.014 of the Revised 42577
~~Code, as those sections existed for that fiscal year.~~ 42578

(2) Deduct any amount credited pursuant to division (H)(1) of 42579
this section from amounts paid to the school district in which the 42580
student is entitled to attend school pursuant to section 3313.64 42581
or 3313.65 of the Revised Code. 42582

(3) If the district is required by a shared education 42583
contract, compact, or cooperative education agreement to make 42584
payments to an educational service center, deduct the amounts from 42585
payments to the district and add them to the amounts paid to the 42586

service center pursuant to section 3317.11 of the Revised Code. 42587

(I)(1) If a district, including a joint vocational school 42588
district, is a lead district of a ~~VEPD~~ CTPD, credit to that 42589
district the following amounts calculated for all the school 42590
districts within that VEPD: 42591

(a) In any fiscal year except fiscal year 2012 or 2013, the 42592
amount computed under division (D)(2) of section 3317.022 of the 42593
Revised Code; 42594

(b) In fiscal years 2012 and 2013, an amount equal to the 42595
following: 42596

state share percentage X .05 X \$5,732 X 42597
the sum of categories one 42598
and two vocational education ADM 42599

(2) Deduct from each appropriate district that is not a lead 42600
district, the amount attributable to that district that is 42601
credited to a lead district under division (I)(1) of this section. 42602

Division (I) of this section shall not apply after fiscal 42603
year 2013. 42604

(J) If the department pays a joint vocational school district 42605
under division ~~(G)(4)(C)(3)~~ of section 3317.16 of the Revised Code 42606
for excess costs of providing special education and related 42607
services to a student with a disability, as calculated under 42608
division ~~(G)(2)(C)(1)~~ of that section, the department shall deduct 42609
the amount of that payment from the city, local, or exempted 42610
village school district that is responsible as specified in that 42611
section for the excess costs. 42612

(K)(1) If the district reports an amount of excess cost for 42613
special education services for a child under division (C) of 42614
section 3323.14 of the Revised Code, the department shall pay that 42615
amount to the district. 42616

(2) If the district reports an amount of excess cost for 42617
special education services for a child under division (C) of 42618
section 3323.14 of the Revised Code, the department shall deduct 42619
that amount from the district of residence of that child. 42620

Sec. 3317.0212. ~~The department of education shall make no 42621~~
~~payments under this section for fiscal year 2012 or 2013.~~ 42622

(A) As used in this section: 42623

(1) "Assigned bus" means a school bus used to transport 42624
qualifying riders. 42625

(2) "Nontraditional ridership" means the average number of 42626
qualifying riders who are enrolled in a community school 42627
established under Chapter 3314. of the Revised Code, in a STEM 42628
school established under Chapter 3326. of the Revised Code, or in 42629
a nonpublic school and are provided school bus service by a school 42630
district during the first full week of October. 42631

(3) "Qualifying riders" means resident students enrolled in 42632
regular education in grades kindergarten to twelve who are 42633
provided school bus service by a school district and who live more 42634
than one mile from the school they attend, including students with 42635
dual enrollment in a joint vocational school district or a 42636
cooperative education school district, and students enrolled in a 42637
community school, STEM school, or nonpublic school. 42638

(4) "Qualifying ridership" means the average number of 42639
qualifying riders who are provided school bus service by a school 42640
district during the first full week of October. 42641

(5) "Rider density" means the number of qualifying riders per 42642
square mile of a school district. 42643

(6) "School bus service" means a school district's 42644
transportation of qualifying riders in any of the following types 42645
of vehicles: 42646

(a) School buses owned or leased by the district; 42647

(b) School buses operated by a private contractor hired by 42648
the district; 42649

(c) School buses operated by another school district or 42650
entity with which the district has contracted, either as part of a 42651
consortium for the provision of transportation or otherwise. 42652

(B) Not later than the fifteenth day of October each year, 42653
each city, local, and exempted village school district shall 42654
report to the department of education its qualifying ridership, 42655
nontraditional ridership, number of qualifying riders per assigned 42656
bus, and any other information requested by the department. 42657
Subsequent adjustments to the reported numbers shall be made only 42658
in accordance with rules adopted by the department. 42659

(C) The department shall calculate the statewide 42660
transportation cost per student as follows: 42661

(1) Determine each city, local, and exempted village school 42662
district's transportation cost per student by dividing the 42663
district's total costs for school bus service in the previous 42664
fiscal year by its qualifying ridership in the previous fiscal 42665
year. 42666

(2) After excluding districts that do not provide school bus 42667
service and the ten districts with the highest transportation 42668
costs per student and the ten districts with the lowest 42669
transportation costs per student, divide the aggregate cost for 42670
school bus service for the remaining districts in the previous 42671
fiscal year by the aggregate qualifying ridership of those 42672
districts in the previous fiscal year. 42673

(D) The department shall calculate the statewide 42674
transportation cost per mile as follows: 42675

(1) Determine each city, local, and exempted village school 42676

district's transportation cost per mile by dividing the district's 42677
total costs for school bus service in the previous fiscal year by 42678
its total number of miles driven for school bus service in the 42679
previous fiscal year. 42680

(2) After excluding districts that do not provide school bus 42681
service and the ten districts with the highest transportation 42682
costs per mile and the ten districts with the lowest 42683
transportation costs per mile, divide the aggregate cost for 42684
school bus service for the remaining districts in the previous 42685
fiscal year by the aggregate miles driven for school bus service 42686
in those districts in the previous fiscal year. 42687

(E) The department shall calculate each city, local, and 42688
exempted village school district's transportation base payment as 42689
follows: 42690

(1) Multiply the statewide transportation cost per student by 42691
the district's qualifying ridership for the current fiscal year. 42692

(2) Multiply the statewide transportation cost per mile by 42693
the district's total number of miles driven for school bus service 42694
in the current fiscal year. 42695

(3) Multiply the greater of the amounts calculated under 42696
divisions (E)(1) and (2) of this section by the greater of sixty 42697
per cent or the district's state share percentage index, as 42698
defined in section 3317.02 of the Revised Code. 42699

(F) The department shall calculate each city, local, and 42700
exempted village school district's nontraditional ridership 42701
adjustment according to the following formula: 42702

(nontraditional ridership for the current fiscal year / 42703
qualifying ridership for the current fiscal year) X 0.1 X 42704
transportation base payment 42705

(G) If a city, local, or exempted village school district 42706
offers school bus service to all resident students who are 42707

enrolled in regular education in district schools in grades nine 42708
to twelve and who live more than one mile from the school they 42709
attend, the department shall calculate the district's high school 42710
ridership adjustment according to the following formula: 42711

0.025 X transportation base payment 42712

(H) If a city, local, or exempted village school district 42713
offers school bus service to students enrolled in grades 42714
kindergarten to eight who live more than one mile, but two miles 42715
or less, from the school they attend, the department shall 42716
calculate an additional adjustment according to the following 42717
formula: 42718

0.025 X transportation base payment 42719

(I)(1) The department annually shall establish a target 42720
number of qualifying riders per assigned bus for each city, local, 42721
and exempted village school district. The department shall use the 42722
most recently available data in establishing the target number. 42723
The target number shall be based on the statewide median number of 42724
qualifying riders per assigned bus as adjusted to reflect the 42725
district's rider density in comparison to the rider density of all 42726
other districts. The department shall post on the department's web 42727
site each district's target number of qualifying riders per 42728
assigned bus and a description of how the target number was 42729
determined. 42730

(2) The department shall determine each school district's 42731
efficiency index by dividing the district's median number of 42732
qualifying riders per assigned bus by its target number of 42733
qualifying riders per assigned bus. 42734

(3) The department shall determine each city, local, and 42735
exempted village school district's efficiency adjustment as 42736
follows: 42737

(a) If the district's efficiency index is equal to or greater 42738

than 1.5, the efficiency adjustment shall be calculated according 42739
to the following formula: 42740

0.1 X transportation base payment 42741

(b) If the district's efficiency index is less than 1.5 but 42742
equal to or greater than 1.0, the efficiency adjustment shall be 42743
calculated according to the following formula: 42744

[(efficiency index - 1) / 5] X transportation base payment 42745

(c) If the district's efficiency index is less than 1.0, the 42746
efficiency adjustment shall be zero. 42747

(J) The department shall pay each city, local, and exempted 42748
village school district the lesser of the following: 42749

(1) The sum of the amounts calculated under divisions (E) to 42750
(H) and (I)(3) of this section; 42751

(2) The district's total costs for school bus service for the 42752
prior fiscal year. 42753

(K) In addition to funds paid under division (J) of this 42754
section, each city, local, and exempted village district shall 42755
receive in accordance with rules adopted by the state board of 42756
education a payment for students transported by means other than 42757
school bus service and whose transportation is not funded under 42758
division (C) of section 3317.024 of the Revised Code. The rules 42759
shall include provisions for school district reporting of such 42760
students. 42761

Sec. 3317.0213. (A) The department of education shall compute 42762
and pay to each school district in accordance with this section 42763
additional state aid for preschool special education children to 42764
each city, local, and exempted village school district and to each 42765
institution, as defined in section 3323.091 of the Revised Code. 42766
Funding shall be provided for children who are not enrolled in 42767
kindergarten and who are under age six on the thirtieth day of 42768

September of the academic year, or on the first day of August of 42769
the academic year if the school district in which the child is 42770
enrolled has adopted a resolution under division (A)(3) of section 42771
3321.01 of the Revised Code, but not less than age three on the 42772
first day of December of the academic year. 42773

The additional state aid shall be calculated under the 42774
following formula: 42775

(\$4,000 X the number of preschool special education children) 42776
+ the sum of the following: 42777

(1) The district's or institution's category one special 42778
education preschool students X the amount specified in division 42779
(A) of section 3317.013 of the Revised Code X the district's state 42780
share index X 0.50; 42781

(2) The district's or institution's category two special 42782
education preschool students X the amount specified in division 42783
(B) of section 3317.013 of the Revised Code X the district's state 42784
share index X 0.50; 42785

(3) The district's or institution's category three special 42786
education preschool students X the amount specified in division 42787
(C) of section 3317.013 of the Revised Code X the district's state 42788
share index X 0.50; 42789

(4) The district's or institution's category four special 42790
education preschool students X the amount specified in division 42791
(D) of section 3317.013 of the Revised Code X the district's state 42792
share index X 0.50; 42793

(5) The district's or institution's category five special 42794
education preschool students X the amount specified in division 42795
(E) of section 3317.013 of the Revised Code X the district's state 42796
share index X 0.50; 42797

(6) The district's or institution's category six special 42798

education preschool students X the amount specified in division 42799
(F) of section 3317.013 of the Revised Code X the district's state 42800
share index X 0.50. 42801

The special education disability categories for preschool 42802
children used in this section are the same categories prescribed 42803
in section 3317.013 of the Revised Code. 42804

As used in division (A) of this section, the state share 42805
index of a student enrolled in an institution is the state share 42806
index of the school district in which the student is entitled to 42807
attend school under section 3313.64 or 3313.65 of the Revised 42808
Code. 42809

(B) If an education service center or county DD board is 42810
providing services to preschool special education students under 42811
agreement with the city, local, or exempted village school 42812
district in which the students are entitled to attend school, that 42813
district may authorize the department to transfer funds computed 42814
under this section to the service center or county DD board 42815
providing those services. 42816

Sec. 3317.0214. (A) A city, local, exempted village, or joint 42817
vocational school district, community school established under 42818
Chapter 3314. of the Revised Code, or STEM school established 42819
under Chapter 3326. of the Revised Code may apply for funds from 42820
the special education exceptional cost fund if the district or 42821
school meets all of the following criteria: 42822

(1) The district or school did not carry forward more than 40 42823
per cent of the funds allocated under part B of the "Individuals 42824
with Disabilities Education Act," 20 U.S.C. 1400 et seq., as 42825
amended, and has not lapsed funds awarded under that act for the 42826
year in which reimbursement is being requested . 42827

(2) The district or school does not have an annual special 42828

education determination by the department of education of less 42829
than "needs assistance." 42830

(3) The district or school has complied with all systems of 42831
accountability and reporting required by the department, including 42832
accountability ratings, performance-based monitoring, compliance, 42833
fiscal requirements, and procedural safeguards processes. 42834

(B) For each district or school that requests reimbursement 42835
from the special education exceptional cost fund, the department 42836
shall compute and pay in accordance with this division additional 42837
state aid for students in categories two through six special 42838
education ADM. If a district's or school's costs for the fiscal 42839
year for a student in its categories two through six special 42840
education ADM exceed the threshold exceptional cost for serving 42841
the student, the district or school may submit to the 42842
superintendent of public instruction documentation, as prescribed 42843
by the superintendent, of all its costs for that student. 42844

Upon submission of documentation for a student of the type 42845
and in the manner prescribed, the department shall pay to a school 42846
district an amount equal to the sum of the following: 42847

(1) One-half of the district's costs for the student in 42848
excess of the threshold exceptional cost; 42849

(2) The product of one-half of the district's costs for the 42850
student in excess of the threshold exceptional cost multiplied by 42851
the district's state share index. 42852

(C) For purposes of division (B) of this section, the 42853
threshold exceptional cost for serving a student equals: 42854

(1) For a student in the school district's category two, 42855
three, four, or five special education ADM, \$27,375; 42856

(2) For a student in the district's category six special 42857
education ADM, \$32,850. 42858

Upon submission of documentation for a student of the type 42859
and in the manner prescribed, the department shall pay to a 42860
community school or STEM school an amount equal to the school's 42861
costs for the student in excess of the threshold exceptional cost. 42862

(D) A district or school shall report under division (B) of 42863
this section, and the department shall pay for, only the costs of 42864
educational expenses and the related services provided to the 42865
student in accordance with the student's individualized education 42866
program. Any legal fees, court costs, or other costs associated 42867
with any cause of action relating to the student shall not be 42868
included in the amount. 42869

Sec. 3317.0215. There is hereby created the special education 42870
exceptional cost fund in the state treasury. The department of 42871
education shall deposit into the fund fifteen per cent of all of 42872
the funds calculated under division (A)(3) of section 3317.022 of 42873
the Revised Code except for the following: 42874

(A) The funds transferred to community schools established 42875
under Chapter 3314. and STEM schools established under Chapter 42876
3326. of the Revised Code; 42877

(B) The funds transferred to the parents of special education 42878
students who are participating in the autism scholarship program 42879
established under section 3310.41 of the Revised Code; 42880

(C) The funds transferred to the parents of special education 42881
students who are participating in the Jon Peterson special needs 42882
scholarship program established under sections 3310.51 to 3310.64 42883
of the Revised Code. 42884

Sec. 3317.0217. Payment of the amount calculated for a school 42885
district under this section shall be made under division (A) of 42886
section 3317.022 of the Revised Code. 42887

The department of education shall annually compute targeted 42888

<u>assistance funds to school districts, as follows:</u>	42889
<u>(A) Calculate the local wealth per pupil of each school district, which equals the following sum:</u>	42890
<u>(1) One-half times the quotient of (a) the district's three-year average valuation divided by (b) its formula ADM; plus</u>	42891
<u>(2) One-half times the quotient of (a) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (b) its formula ADM.</u>	42892
<u>(B) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil.</u>	42893
<u>(C) Compute the statewide wealth per pupil, which equals the following sum:</u>	42894
<u>(1) One-half times the quotient of (a) the sum of the three-year average valuations for all school districts divided by (b) the sum of formula ADM counts for all schools districts; plus</u>	42895
<u>(2) One-half times the quotient of (a) the sum of the three-year average total federal adjusted gross incomes for all school districts divided by (b) the sum of formula ADM counts for all school districts.</u>	42896
<u>(D) Compute each district's wealth index by dividing the statewide wealth per pupil by the district's local wealth per pupil.</u>	42897
<u>(E) Compute the per pupil targeted assistance for each eligible school district in accordance with the following formula:</u>	42898
<u>(Threshold local wealth per pupil - the district's local wealth per pupil)</u>	42899
<u>X target millage X the district's wealth index</u>	42900
<u>Where:</u>	42901

(1) An "eligible school district" means a school district 42919
with a local wealth per pupil less than that of the school 42920
district with the 490th lowest local wealth per pupil. 42921

(2) "Threshold local wealth per pupil" means the local wealth 42922
per pupil of the school district with the 490th lowest local 42923
wealth per pupil. 42924

(3) "Target millage," means 0.006, in fiscal year 2014, and 42925
0.007, in fiscal year 2015. 42926

If the result of the calculation for a school district under 42927
division (D) of this section is less than zero, the district's 42928
targeted assistance shall be zero. 42929

(F) Calculate the aggregate amount to be paid as targeted 42930
assistance funds to each school district under division (A) of 42931
section 3317.022 of the Revised Code by multiplying the per pupil 42932
targeted assistance computed under division (E) of this section by 42933
the district's net formula ADM. 42934

As used in this division, a district's "net formula ADM" 42935
means its formula ADM minus both the number of internet- and 42936
computer-based community school students reported under division 42937
(B)(3)(e) of section 3317.03 of the Revised Code and scholarship 42938
students reported under divisions (B)(3)(f) and (g) of that 42939
section. 42940

Sec. 3317.03. (A) The superintendent of each city, local, and 42941
exempted village school district ~~and of each educational service~~ 42942
~~center shall, for the schools under the superintendent's~~ 42943
~~supervision,~~ certify to the state board of education on or before 42944
the fifteenth day of October in each year for the first full 42945
school week in October the average daily membership of students 42946
receiving services from schools under the superintendent's 42947
supervision, and the numbers of other students entitled to attend 42948

school in the district under section 3313.64 or 3313.65 of the 42949
Revised Code the superintendent is required to report under this 42950
section, so that the department of education can calculate the 42951
district's formula ADM. If a school under the superintendent's 42952
supervision is closed for one or more days during that week due to 42953
hazardous weather conditions or other circumstances described in 42954
~~the first paragraph of division (B)(A)(1) of section 3317.01~~ 42955
3313.482 of the Revised Code, the superintendent may apply to the 42956
superintendent of public instruction for a waiver, under which the 42957
superintendent of public instruction may exempt the district 42958
superintendent from certifying the average daily membership for 42959
that school for that week and specify an alternate week for 42960
certifying the average daily membership of that school. 42961

The average daily membership during such week shall consist 42962
of the sum of the following: 42963

(1) On an FTE basis, the number of students in grades 42964
kindergarten through twelve receiving any educational services 42965
from the district, except that the following categories of 42966
students shall not be included in the determination: 42967

(a) Students enrolled in adult education classes; 42968

(b) Adjacent or other district students enrolled in the 42969
district under an open enrollment policy pursuant to section 42970
3313.98 of the Revised Code; 42971

(c) Students receiving services in the district pursuant to a 42972
compact, cooperative education agreement, or a contract, but who 42973
are entitled to attend school in another district pursuant to 42974
section 3313.64 or 3313.65 of the Revised Code; 42975

(d) Students for whom tuition is payable pursuant to sections 42976
3317.081 and 3323.141 of the Revised Code; 42977

(e) Students receiving services in the district through a 42978
scholarship awarded under either section 3310.41 or sections 42979

3310.51 to 3310.64 of the Revised Code. 42980

(2) On an FTE basis, the number of students entitled to 42981
attend school in the district pursuant to section 3313.64 or 42982
3313.65 of the Revised Code, but receiving educational services in 42983
grades kindergarten through twelve from one or more of the 42984
following entities: 42985

(a) A community school pursuant to Chapter 3314. of the 42986
Revised Code, including any participation in a college pursuant to 42987
Chapter 3365. of the Revised Code while enrolled in such community 42988
school; 42989

(b) An alternative school pursuant to sections 3313.974 to 42990
3313.979 of the Revised Code as described in division (I)(2)(a) or 42991
(b) of this section; 42992

(c) A college pursuant to Chapter 3365. of the Revised Code, 42993
except when the student is enrolled in the college while also 42994
enrolled in a community school pursuant to Chapter 3314. ~~or~~; a 42995
science, technology, engineering, and mathematics school 42996
established under Chapter 3326.; or a college-preparatory boarding 42997
school established under Chapter 3328. of the Revised Code; 42998

(d) An adjacent or other school district under an open 42999
enrollment policy adopted pursuant to section 3313.98 of the 43000
Revised Code; 43001

(e) An educational service center or cooperative education 43002
district; 43003

(f) Another school district under a cooperative education 43004
agreement, compact, or contract; 43005

(g) A chartered nonpublic school with a scholarship paid 43006
under section 3310.08 of the Revised Code, if the students 43007
qualified for the scholarship under section 3310.03 of the Revised 43008
Code; 43009

(h) An alternative public provider or a registered private 43010
provider with a scholarship awarded under either section 3310.41 43011
or sections 3310.51 to 3310.64 of the Revised Code. 43012

As used in this section, "alternative public provider" and 43013
"registered private provider" have the same meanings as in section 43014
3310.41 or 3310.51 of the Revised Code, as applicable. 43015

(i) A science, technology, engineering, and mathematics 43016
school established under Chapter 3326. of the Revised Code, 43017
including any participation in a college pursuant to Chapter 3365. 43018
of the Revised Code while enrolled in the school; 43019

(j) A college-preparatory boarding school established under 43020
Chapter 3328. of the Revised Code, including any participation in 43021
a college pursuant to Chapter 3365. of the Revised Code while 43022
enrolled in the school. 43023

(3) The number of students enrolled in a joint vocational 43024
school district or under a ~~vocational~~ career-technical education 43025
compact, excluding any students entitled to attend school in the 43026
district under section 3313.64 or 3313.65 of the Revised Code who 43027
are enrolled in another school district through an open enrollment 43028
policy as reported under division (A)(2)(d) of this section and 43029
then enroll in a joint vocational school district or under a 43030
~~vocational~~ career-technical education compact; 43031

(4) The number of children with disabilities, other than 43032
preschool children with disabilities, entitled to attend school in 43033
the district pursuant to section 3313.64 or 3313.65 of the Revised 43034
Code who are placed by the district with a county DD board, ~~minus~~ 43035
~~the number of such children placed with a county DD board in~~ 43036
~~fiscal year 1998.~~ If this calculation produces a negative number, 43037
the number reported under division (A)(4) of this section shall be 43038
zero. 43039

(B) To enable the department of education to obtain the data 43040

needed to complete the calculation of payments pursuant to this 43041
chapter, in addition to the average daily membership, each 43042
superintendent shall report separately the following student 43043
counts for the same week for which average daily membership is 43044
certified: 43045

(1) The total average daily membership in regular learning 43046
day classes included in the report under division (A)(1) or (2) of 43047
this section for each of the individual grades kindergarten 43048
through twelve in schools under the superintendent's supervision; 43049

(2) The number of all preschool children with disabilities 43050
enrolled as of the first day of December in classes in the 43051
district ~~that are~~ for whom the district is eligible for approval 43052
to receive funding under ~~division (B) of~~ section ~~3317.05~~ 3317.0213 43053
of the Revised Code and the number of those classes, which shall 43054
be reported not later than the fifteenth day of December, in 43055
accordance with ~~rules adopted under that~~ the disability categories 43056
prescribed in section 3317.013 of the Revised Code; 43057

(3) The number of children entitled to attend school in the 43058
district pursuant to section 3313.64 or 3313.65 of the Revised 43059
Code who are: 43060

(a) Participating in a pilot project scholarship program 43061
established under sections 3313.974 to 3313.979 of the Revised 43062
Code as described in division (I)(2)(a) or (b) of this section; 43063

(b) Enrolled in a college under Chapter 3365. of the Revised 43064
Code, except when the student is enrolled in the college while 43065
also enrolled in a community school pursuant to Chapter 3314. ~~or;~~ 43066
a science, technology, engineering, and mathematics school 43067
established under Chapter 3326. of the Revised Code; or a 43068
college-preparatory boarding school established under Chapter 43069
3328. of the Revised Code; 43070

(c) Enrolled in an adjacent or other school district under 43071

section 3313.98 of the Revised Code; 43072

(d) Enrolled in a community school established under Chapter 43073
3314. of the Revised Code that is not an internet- or 43074
computer-based community school as defined in section 3314.02 of 43075
the Revised Code, including any participation in a college 43076
pursuant to Chapter 3365. of the Revised Code while enrolled in 43077
such community school; 43078

(e) Enrolled in an internet- or computer-based community 43079
school, as defined in section 3314.02 of the Revised Code, 43080
including any participation in a college pursuant to Chapter 3365. 43081
of the Revised Code while enrolled in the school; 43082

(f) Enrolled in a chartered nonpublic school with a 43083
scholarship paid under section 3310.08 of the Revised Code and who 43084
qualified for the scholarship under section 3310.03 of the Revised 43085
Code; 43086

(g) Enrolled in kindergarten through grade twelve in an 43087
alternative public provider or a registered private provider with 43088
a scholarship awarded under section 3310.41 of the Revised Code; 43089

(h) Enrolled as a preschool child with a disability in an 43090
alternative public provider or a registered private provider with 43091
a scholarship awarded under section 3310.41 of the Revised Code; 43092

(i) Participating in a program operated by a county DD board 43093
or a state institution; 43094

(j) Enrolled in a science, technology, engineering, and 43095
mathematics school established under Chapter 3326. of the Revised 43096
Code, including any participation in a college pursuant to Chapter 43097
3365. of the Revised Code while enrolled in the school; 43098

(k) Enrolled in a college-preparatory boarding school 43099
established under Chapter 3328. of the Revised Code, including any 43100
participation in a college pursuant to Chapter 3365. of the 43101

<u>Revised Code.</u>	43102
(4) The number of pupils enrolled in joint vocational schools;	43103 43104
(5) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	43105 43106 43107 43108 43109 43110 43111 43112
(6) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	43113 43114 43115 43116 43117 43118 43119 43120
(7) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	43121 43122 43123 43124 43125 43126 43127 43128
(8) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the	43129 43130 43131 43132

Revised Code, including children attending a special education 43133
program operated by an alternative public provider or a registered 43134
private provider with a scholarship awarded under sections 3310.51 43135
to 3310.64 of the Revised Code; 43136

(9) The combined average daily membership of children with 43137
disabilities reported under division (A)(1) or (2) of this section 43138
receiving special education services for the category five 43139
disabilities described in division (E) of section 3317.013 of the 43140
Revised Code, including children attending a special education 43141
program operated by an alternative public provider or a registered 43142
private provider with a scholarship awarded under sections 3310.51 43143
to 3310.64 of the Revised Code; 43144

(10) The combined average daily membership of children with 43145
disabilities reported under division (A)(1) or (2) and under 43146
division (B)(3)(h) of this section receiving special education 43147
services for category six disabilities described in division (F) 43148
of section 3317.013 of the Revised Code, including children 43149
attending a special education program operated by an alternative 43150
public provider or a registered private provider with a 43151
scholarship awarded under either section 3310.41 or sections 43152
3310.51 to 3310.64 of the Revised Code; 43153

(11) The average daily membership of pupils reported under 43154
division (A)(1) or (2) of this section enrolled in category one 43155
~~vocational~~ career-technical education programs or classes, 43156
described in division (A) of section 3317.014 of the Revised Code, 43157
operated by the school district or by another district, ~~other than~~ 43158
including a joint vocational school district, or by an educational 43159
service center, excluding any student reported under division 43160
(B)(3)(e) of this section as enrolled in an internet- or 43161
computer-based community school, notwithstanding division ~~(C)(J)~~ 43162
of section 3317.02 of the Revised Code and division (C)(3) of this 43163
section; 43164

(12) The average daily membership of pupils reported under 43165
division (A)(1) or (2) of this section enrolled in category two 43166
~~vocational~~ career-technical education programs or services, 43167
described in division (B) of section 3317.014 of the Revised Code, 43168
operated by the school district or another school district, ~~other~~ 43169
~~than~~ including a joint vocational school district, or by an 43170
educational service center, excluding any student reported under 43171
division (B)(3)(e) of this section as enrolled in an internet- or 43172
computer-based community school, notwithstanding division ~~(C)~~ (J) 43173
of section 3317.02 of the Revised Code and division (C)(3) of this 43174
section; 43175

~~Beginning with fiscal year 2010, vocational education ADM 43176~~
~~shall not be used to calculate a district's funding but shall be 43177~~
~~reported under divisions (B)(11) and (12) of this section for 43178~~
~~statistical purposes. 43179~~

(13) The average daily membership of pupils reported under 43180
division (A)(1) or (2) of this section enrolled in category three 43181
career-technical education programs or services, described in 43182
division (C) of section 3317.014 of the Revised Code, operated by 43183
the school district or another school district, including a joint 43184
vocational school district, or by an educational service center, 43185
excluding any student reported under division (B)(3)(e) of this 43186
section as enrolled in an internet- or computer-based community 43187
school, notwithstanding division (C) of section 3317.02 of the 43188
Revised Code and division (C)(3) of this section; 43189

(14) The average daily membership of pupils reported under 43190
division (A)(1) or (2) of this section enrolled in category four 43191
career-technical education programs or services, described in 43192
division (D) of section 3317.014 of the Revised Code, operated by 43193
the school district or another school district, including a joint 43194
vocational school district, or by an educational service center, 43195
excluding any student reported under division (B)(3)(e) of this 43196

section as enrolled in an internet- or computer-based community 43197
school, notwithstanding division (C) of section 3317.02 of the 43198
Revised Code and division (C)(3) of this section; 43199

(15) The average daily membership of pupils reported under 43200
division (A)(1) or (2) of this section enrolled in category five 43201
career-technical education programs or services, described in 43202
division (E) of section 3317.014 of the Revised Code, operated by 43203
the school district or another school district, including a joint 43204
vocational school district, or by an educational service center, 43205
excluding any student reported under division (B)(3)(e) of this 43206
section as enrolled in an internet- or computer-based community 43207
school, notwithstanding division (C) of section 3317.02 of the 43208
Revised Code and division (C)(3) of this section; 43209

(16) The average daily membership of pupils reported under 43210
division (A)(1) or (2) of this section who are limited English 43211
proficiency students described in division (A) of section 3317.016 43212
of the Revised Code; 43213

(17) The average daily membership of pupils reported under 43214
division (A)(1) or (2) of this section who are limited English 43215
proficiency students described in division (B) of section 3317.016 43216
of the Revised Code; 43217

(18) The average daily membership of pupils reported under 43218
division (A)(1) or (2) of this section who are limited English 43219
proficiency students described in division (C) of section 3317.016 43220
of the Revised Code; 43221

(19) The average daily membership of pupils reported under 43222
division (A)(1) or (2) of this section who are limited English 43223
proficiency students described in division (D) of section 3317.016 43224
of the Revised Code; 43225

(20) The average number of children transported by the school 43226
district on board-owned or contractor-owned and -operated buses, 43227

reported in accordance with rules adopted by the department of 43228
education; 43229

~~(14)~~(21)(a) The number of children, other than preschool 43230
children with disabilities, the district placed with a county DD 43231
board in fiscal year 1998; 43232

(b) The number of children with disabilities, other than 43233
preschool children with disabilities, placed with a county DD 43234
board in the current fiscal year to receive special education 43235
services for the category one disability described in division (A) 43236
of section 3317.013 of the Revised Code; 43237

(c) The number of children with disabilities, other than 43238
preschool children with disabilities, placed with a county DD 43239
board in the current fiscal year to receive special education 43240
services for category two disabilities described in division (B) 43241
of section 3317.013 of the Revised Code; 43242

(d) The number of children with disabilities, other than 43243
preschool children with disabilities, placed with a county DD 43244
board in the current fiscal year to receive special education 43245
services for category three disabilities described in division (C) 43246
of section 3317.013 of the Revised Code; 43247

(e) The number of children with disabilities, other than 43248
preschool children with disabilities, placed with a county DD 43249
board in the current fiscal year to receive special education 43250
services for category four disabilities described in division (D) 43251
of section 3317.013 of the Revised Code; 43252

(f) The number of children with disabilities, other than 43253
preschool children with disabilities, placed with a county DD 43254
board in the current fiscal year to receive special education 43255
services for the category five disabilities described in division 43256
(E) of section 3317.013 of the Revised Code; 43257

(g) The number of children with disabilities, other than 43258

preschool children with disabilities, placed with a county DD 43259
board in the current fiscal year to receive special education 43260
services for category six disabilities described in division (F) 43261
of section 3317.013 of the Revised Code. 43262

(22) The number of students who are economically 43263
disadvantaged, as defined by the department. 43264

(C)(1) The average daily membership in divisions (B)(1) to 43265
(12) of this section shall be based upon the number of full-time 43266
equivalent students. The state board of education shall adopt 43267
rules defining full-time equivalent students and for determining 43268
the average daily membership therefrom for the purposes of 43269
divisions (A), (B), and (D) of this section. ~~Each student enrolled 43270~~
~~in kindergarten shall be counted as one full-time equivalent 43271~~
~~student regardless of whether the student is enrolled in a 43272~~
~~part-day or all-day kindergarten class. 43273~~

(2) A student enrolled in a community school established 43274
under Chapter 3314., a science, technology, engineering, and 43275
mathematics school established under Chapter 3326., or a 43276
college-preparatory boarding school established under Chapter 43277
3328. of the Revised Code shall be counted in the formula ADM and, 43278
if applicable, the category one, two, three, four, five, or six 43279
special education ADM of the school district in which the student 43280
is entitled to attend school under section 3313.64 or 3313.65 of 43281
the Revised Code for the same proportion of the school year that 43282
the student is counted in the enrollment of the community school, 43283
the science, technology, engineering, and mathematics school, or 43284
the college-preparatory boarding school for purposes of section 43285
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 43286
the number of students reported pursuant to division (B)(3)(d), 43287
(e), (j), or (k) of this section, the department may adjust the 43288
formula ADM of a school district to account for students entitled 43289
to attend school in the district under section 3313.64 or 3313.65 43290

of the Revised Code who are enrolled in a community school, a science, technology, engineering, and mathematics school, or a college-preparatory boarding school for only a portion of the school year.

(3) No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to ~~(12)~~(22), or division (D) of this section, except as follows:

(a) A child with a disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one or two ~~vocational~~ career-technical education ADM. As provided in division ~~(C)~~(J) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in ~~vocational~~ career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one ~~or, two~~ three, four, or five ~~vocational~~ career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one ~~or, two~~ three, four, or five ~~vocational~~ career-technical education ADM in the same proportion as the percentage of time that the child spends in the ~~vocational~~ career-technical education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school 43322
district shall certify to the superintendent of public instruction 43323
on or before the fifteenth day of October in each year for the 43324
first full school week in October the ~~formula ADM, for purposes of~~ 43325
~~section 3318.42 of the Revised Code and for any other purpose~~ 43326
~~prescribed by law for which "formula ADM" of the joint vocational~~ 43327
~~district is a factor~~ average daily membership. If a school 43328
operated by the joint vocational school district is closed for one 43329
or more days during that week due to hazardous weather conditions 43330
or other circumstances described in ~~the first paragraph of~~ 43331
division ~~(B)(A)(1)~~ of section ~~3317.01~~ 3313.482 of the Revised 43332
Code, the superintendent may apply to the superintendent of public 43333
instruction for a waiver, under which the superintendent of public 43334
instruction may exempt the district superintendent from certifying 43335
the ~~formula ADM~~ average daily membership for that school for that 43336
week and specify an alternate week for certifying the ~~formula ADM~~ 43337
average daily membership of that school. 43338

The ~~formula ADM~~ average daily membership, except as otherwise 43339
provided in this division, shall consist of the average daily 43340
membership during such week, on an FTE basis, of the number of 43341
students receiving any educational services from the district, 43342
including students enrolled in a community school established 43343
under Chapter 3314. or a science, technology, engineering, and 43344
mathematics school established under Chapter 3326. of the Revised 43345
Code who are attending the joint vocational district ~~under an~~ 43346
~~agreement between the district board of education and the~~ 43347
~~governing authority of the community school or the governing body~~ 43348
~~of the science, technology, engineering, and mathematics school~~ 43349
and are entitled to attend school in a city, local, or exempted 43350
village school district whose territory is part of the territory 43351
of the joint vocational district. 43352

The following categories of students shall not be included in 43353

the determination made under division (D)(1) of this section: 43354

(a) Students enrolled in adult education classes; 43355

(b) Adjacent or other district joint vocational students 43356
enrolled in the district under an open enrollment policy pursuant 43357
to section 3313.98 of the Revised Code; 43358

(c) Students receiving services in the district pursuant to a 43359
compact, cooperative education agreement, or a contract, but who 43360
are entitled to attend school in a city, local, or exempted 43361
village school district whose territory is not part of the 43362
territory of the joint vocational district; 43363

(d) Students for whom tuition is payable pursuant to sections 43364
3317.081 and 3323.141 of the Revised Code. 43365

(2) To enable the department of education to obtain the data 43366
needed to complete the calculation of payments pursuant to this 43367
chapter, in addition to the ~~formula~~ ADM, each superintendent shall 43368
report separately the average daily membership included in the 43369
report under division (D)(1) of this section for each of the 43370
following categories of students for the same week for which 43371
formula ADM is certified: 43372

(a) Students enrolled in each individual grade included in 43373
the joint vocational district schools; 43374

(b) Children with disabilities receiving special education 43375
services for the category one disability described in division (A) 43376
of section 3317.013 of the Revised Code; 43377

(c) Children with disabilities receiving special education 43378
services for the category two disabilities described in division 43379
(B) of section 3317.013 of the Revised Code; 43380

(d) Children with disabilities receiving special education 43381
services for category three disabilities described in division (C) 43382
of section 3317.013 of the Revised Code; 43383

(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	43384 43385 43386
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	43387 43388 43389
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	43390 43391 43392
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	43393 43394 43395
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code <u>Limited English proficiency students described in division (A) of section 3317.016 of the Revised Code;</u>	43396 43397 43398 43399
<u>(i) Limited English proficiency students described in division (B) of section 3317.016 of the Revised Code;</u>	43400 43401
<u>(j) Limited English proficiency students described in division (C) of section 3317.016 of the Revised Code;</u>	43402 43403
<u>(k) Limited English proficiency students described in division (D) of section 3317.016 of the Revised Code;</u>	43404 43405
<u>(l) Students who are economically disadvantaged, as defined by the department.</u>	43406 43407
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	43408 43409 43410 43411 43412
(E) In each school of each city, local, exempted village,	43413

joint vocational, and cooperative education school district there 43414
shall be maintained a record of school membership, which record 43415
shall accurately show, for each day the school is in session, the 43416
actual membership enrolled in regular day classes. For the purpose 43417
of determining average daily membership, the membership figure of 43418
any school shall not include any pupils except those pupils 43419
described by division (A) of this section. The record of 43420
membership for each school shall be maintained in such manner that 43421
no pupil shall be counted as in membership prior to the actual 43422
date of entry in the school and also in such manner that where for 43423
any cause a pupil permanently withdraws from the school that pupil 43424
shall not be counted as in membership from and after the date of 43425
such withdrawal. There shall not be included in the membership of 43426
any school any of the following: 43427

(1) Any pupil who has graduated from the twelfth grade of a 43428
public or nonpublic high school; 43429

(2) Any pupil who is not a resident of the state; 43430

(3) Any pupil who was enrolled in the schools of the district 43431
during the previous school year when assessments were administered 43432
under section 3301.0711 of the Revised Code but did not take one 43433
or more of the assessments required by that section and was not 43434
excused pursuant to division (C)(1) or (3) of that section; 43435

(4) Any pupil who has attained the age of twenty-two years, 43436
except for veterans of the armed services whose attendance was 43437
interrupted before completing the recognized twelve-year course of 43438
the public schools by reason of induction or enlistment in the 43439
armed forces and who apply for reenrollment in the public school 43440
system of their residence not later than four years after 43441
termination of war or their honorable discharge. 43442

If, however, any veteran described by division (E)(4) of this 43443
section elects to enroll in special courses organized for veterans 43444

for whom tuition is paid under the provisions of federal laws, or 43445
otherwise, that veteran shall not be included in average daily 43446
membership. 43447

Notwithstanding division (E)(3) of this section, the 43448
membership of any school may include a pupil who did not take an 43449
assessment required by section 3301.0711 of the Revised Code if 43450
the superintendent of public instruction grants a waiver from the 43451
requirement to take the assessment to the specific pupil and a 43452
parent is not paying tuition for the pupil pursuant to section 43453
3313.6410 of the Revised Code. The superintendent may grant such a 43454
waiver only for good cause in accordance with rules adopted by the 43455
state board of education. 43456

Except as provided in divisions (B)(2) and (F) of this 43457
section, the average daily membership figure of any local, city, 43458
exempted village, or joint vocational school district shall be 43459
determined by dividing the figure representing the sum of the 43460
number of pupils enrolled during each day the school of attendance 43461
is actually open for instruction during the week for which the 43462
average daily membership is being certified by the total number of 43463
days the school was actually open for instruction during that 43464
week. For purposes of state funding, "enrolled" persons are only 43465
those pupils who are attending school, those who have attended 43466
school during the current school year and are absent for 43467
authorized reasons, and those children with disabilities currently 43468
receiving home instruction. 43469

The average daily membership figure of any cooperative 43470
education school district shall be determined in accordance with 43471
rules adopted by the state board of education. 43472

~~(F)(1) If the formula ADM for the first full school week in 43473
February is at least three per cent greater than that certified 43474
for the first full school week in the preceding October, the 43475
superintendent of schools of any city, exempted village, or joint 43476~~

~~vocational school district or educational service center shall 43477
certify such increase to the superintendent of public instruction. 43478
Such certification shall be submitted no later than the fifteenth 43479
day of February. For the balance of the fiscal year, beginning 43480
with the February payments, the superintendent of public 43481
instruction shall use the increased formula ADM in calculating or 43482
recalculating the amounts to be allocated in accordance with 43483
section 3317.022 or 3317.16 of the Revised Code. In no event shall 43484
the superintendent use an increased membership certified to the 43485
superintendent after the fifteenth day of February. Division 43486
(F)(1) of this section does not apply after fiscal year 2006. 43487~~

~~(2) If on the first school day of April the total number of 43488
classes or units for preschool children with disabilities that are 43489
eligible for approval under division (B) of section 3317.05 of the 43490
Revised Code exceeds the number of units that have been approved 43491
for the year under that division, the superintendent of schools of 43492
any city, exempted village, or cooperative education school 43493
district or educational service center shall make the 43494
certifications required by this section for that day. If the 43495
department determines additional units can be approved for the 43496
fiscal year within any limitations set forth in the acts 43497
appropriating moneys for the funding of such units, the department 43498
shall approve additional units for the fiscal year on the basis of 43499
such average daily membership. For each unit so approved, the 43500
department shall pay an amount computed in the manner prescribed 43501
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 43502
Code. 43503~~

~~(3) If a student attending a community school under Chapter 43504
3314., a science, technology, engineering, and mathematics school 43505
established under Chapter 3326., or a college-preparatory boarding 43506
school established under Chapter 3328. of the Revised Code is not 43507
included in the formula ADM certified for the school district in 43508~~

which the student is entitled to attend school under section 43509
3313.64 or 3313.65 of the Revised Code, the department of 43510
education shall adjust the formula ADM of that school district to 43511
include the student in accordance with division (C)(2) of this 43512
section, and shall recalculate the school district's payments 43513
under this chapter for the entire fiscal year on the basis of that 43514
adjusted formula ADM. This requirement applies regardless of 43515
whether the student was enrolled, as defined in division (E) of 43516
this section, in the community school, the science, technology, 43517
engineering, and mathematics school, or the college-preparatory 43518
boarding school during the week for which the formula ADM is being 43519
certified. 43520

~~(4)~~(2) If a student awarded an educational choice scholarship 43521
is not included in the formula ADM of the school district from 43522
which the department deducts funds for the scholarship under 43523
section 3310.08 of the Revised Code, the department shall adjust 43524
the formula ADM of that school district to include the student to 43525
the extent necessary to account for the deduction, and shall 43526
recalculate the school district's payments under this chapter for 43527
the entire fiscal year on the basis of that adjusted formula ADM. 43528
This requirement applies regardless of whether the student was 43529
enrolled, as defined in division (E) of this section, in the 43530
chartered nonpublic school, the school district, or a community 43531
school during the week for which the formula ADM is being 43532
certified. 43533

~~(5)~~(3) If a student awarded a scholarship under the Jon 43534
Peterson special needs scholarship program is not included in the 43535
formula ADM of the school district from which the department 43536
deducts funds for the scholarship under section 3310.55 of the 43537
Revised Code, the department shall adjust the formula ADM of that 43538
school district to include the student to the extent necessary to 43539
account for the deduction, and shall recalculate the school 43540

district's payments under this chapter for the entire fiscal year 43541
on the basis of that adjusted formula ADM. This requirement 43542
applies regardless of whether the student was enrolled, as defined 43543
in division (E) of this section, in an alternative public 43544
provider, a registered private provider, or the school district 43545
during the week for which the formula ADM is being certified. 43546

(G)(1)(a) The superintendent of an institution operating a 43547
special education program pursuant to section 3323.091 of the 43548
Revised Code shall, for the programs under such superintendent's 43549
supervision, certify to the state board of education, in the 43550
manner prescribed by the superintendent of public instruction, 43551
both of the following: 43552

(i) The average daily membership of all children with 43553
disabilities other than preschool children with disabilities 43554
receiving services at the institution for each category of 43555
disability described in divisions (A) to (F) of section 3317.013 43556
of the Revised Code; 43557

(ii) The average daily membership of all preschool children 43558
with disabilities in classes or programs ~~approved annually by the~~ 43559
~~department of education for unit for whom the district is eligible~~ 43560
to receive funding under section ~~3317.05~~ 3317.0213 of the Revised 43561
Code, reported according to the categories prescribed in section 43562
3317.013 of the Revised Code. 43563

(b) The superintendent of an institution with ~~vocational~~ 43564
career-technical education units approved under ~~division (A) of~~ 43565
section 3317.05 of the Revised Code shall, for the units under the 43566
superintendent's supervision, certify to the state board of 43567
education the average daily membership in those units, in the 43568
manner prescribed by the superintendent of public instruction. 43569

(2) The superintendent of each county DD board that maintains 43570
special education classes under section 3317.20 of the Revised 43571

Code or units approved provides services to preschool children 43572
with disabilities pursuant to section 3317.05 of the Revised Code 43573
an agreement between the DD board and the appropriate school 43574
district shall do both of the following: 43575

(a) Certify to the state board, in the manner prescribed by 43576
the board, the average daily membership in classes under section 43577
3317.20 of the Revised Code for each school district that has 43578
placed children in the classes; 43579

(b) Certify to the state board, in the manner prescribed by 43580
the board, the number of all preschool children with disabilities 43581
enrolled as of the first day of December in classes for which the 43582
DD board is eligible for approval to receive funding under 43583
division (B) of section 3317.05 3317.0213 of the Revised Code, 43584
reported according to the categories prescribed in section 43585
3317.013 of the Revised Code, and the number of those classes. 43586

~~(3)(a) If on the first school day of April the number of~~ 43587
~~classes or units maintained for preschool children with~~ 43588
~~disabilities by the county DD board that are eligible for approval~~ 43589
~~under division (B) of section 3317.05 of the Revised Code is~~ 43590
~~greater than the number of units approved for the year under that~~ 43591
~~division, the superintendent shall make the certification required~~ 43592
~~by this section for that day.~~ 43593

~~(b) If the department determines that additional classes or~~ 43594
~~units can be approved for the fiscal year within any limitations~~ 43595
~~set forth in the acts appropriating moneys for the funding of the~~ 43596
~~classes and units described in division (C)(3)(a) of this section,~~ 43597
~~the department shall approve and fund additional units for the~~ 43598
~~fiscal year on the basis of such average daily membership. For~~ 43599
~~each unit so approved, the department shall pay an amount computed~~ 43600
~~in the manner prescribed in sections 3317.052 and 3317.053 of the~~ 43601
~~Revised Code.~~ 43602

(H) Except as provided in division (I) of this section, when
any city, local, or exempted village school district provides
instruction for a nonresident pupil whose attendance is
unauthorized attendance as defined in section 3327.06 of the
Revised Code, that pupil's membership shall not be included in
that district's membership figure used in the calculation of that
district's formula ADM or included in the determination of any
~~unit funding~~ approved for the district under section ~~3317.05~~
3317.0213 of the Revised Code. The reporting official shall report
separately the average daily membership of all pupils whose
attendance in the district is unauthorized attendance, and the
membership of each such pupil shall be credited to the school
district in which the pupil is entitled to attend school under
division (B) of section 3313.64 or section 3313.65 of the Revised
Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational
school district admitting a scholarship student of a pilot project
district pursuant to division (C) of section 3313.976 of the
Revised Code may count such student in its average daily
membership.

(2) In any year for which funds are appropriated for pilot
project scholarship programs, a school district implementing a
state-sponsored pilot project scholarship program that year
pursuant to sections 3313.974 to 3313.979 of the Revised Code may
count in average daily membership:

(a) All children residing in the district and utilizing a
scholarship to attend kindergarten in any alternative school, as
defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the
preceding year who are utilizing a scholarship to attend an
alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the average daily membership certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error.

Sec. 3317.032. ~~(A)~~ Each city, local, exempted village, and cooperative education school district, each educational service center, each county DD board, and each institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, in accordance with procedures adopted by the state board of education, maintain a record of district membership of ~~both of the following:~~

~~(1) All preschool children with disabilities in units approved under division (B) of section 3317.05 of the Revised Code;~~

~~(2) All all preschool children with disabilities who are not in units approved under division (B) of section 3317.05 of the Revised Code but who are otherwise served by a special education program.~~

~~(B) The superintendent of each district, board, or institution subject to division (A) of this section shall certify~~

~~to the state board of education, in accordance with procedures~~ 43665
~~adopted by that board, membership figures of all preschool~~ 43666
~~children with disabilities whose membership is maintained under~~ 43667
~~division (A)(2) of this section. The figures certified under this~~ 43668
~~division shall be used in the determination of the ADM used to~~ 43669
~~compute funds for educational service center governing boards~~ 43670
~~under section 3317.11 of the Revised Code.~~ 43671

Sec. 3317.05. (A) ~~For the purpose of calculating payments~~ 43672
~~under sections 3317.052 and 3317.053 of the Revised Code, the~~ The 43673
department of education shall determine for each institution, by 43674
the last day of January of each year and based on information 43675
certified under section 3317.03 of the Revised Code, the number of 43676
~~vocational~~ career-technical education units or fractions of units 43677
approved by the department on the basis of standards and rules 43678
adopted by the state board of education. As used in this ~~division~~ 43679
section, "institution" means an institution operated by a 43680
department specified in section 3323.091 of the Revised Code and 43681
that provides ~~vocational~~ career-technical education programs under 43682
the supervision of the division of ~~vocational~~ career-technical 43683
education of the department that meet the standards and rules for 43684
these programs, including licensure of professional staff involved 43685
in the programs, as established by the state board. 43686

(B) ~~For the purpose of calculating payments under sections~~ 43687
~~3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the~~ 43688
~~department shall determine, based on information certified under~~ 43689
~~section 3317.03 of the Revised Code, the following by the last day~~ 43690
~~of January of each year for each educational service center, for~~ 43691
~~each school district, including each cooperative education school~~ 43692
~~district, for each institution eligible for payment under section~~ 43693
~~3323.091 of the Revised Code, and for each county DD board: the~~ 43694
~~number of classes operated by the school district, service center,~~ 43695
~~institution, or county DD board for preschool children with~~ 43696

~~disabilities, or fraction thereof, including in the case of a 43697~~
~~district or service center that is a funding agent, classes taught 43698~~
~~by a licensed teacher employed by that district or service center 43699~~
~~under section 3313.841 of the Revised Code, approved annually by 43700~~
~~the department on the basis of standards and rules adopted by the 43701~~
~~state board. 43702~~

~~(C) For the purpose of calculating payments under sections 43703~~
~~3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 43704~~
~~department shall determine, based on information certified under 43705~~
~~section 3317.03 of the Revised Code, the following by the last day 43706~~
~~of January of each year for each school district, including each 43707~~
~~cooperative education school district, for each institution 43708~~
~~eligible for payment under section 3323.091 of the Revised Code, 43709~~
~~and for each county DD board: the number of units for related 43710~~
~~services, as defined in section 3323.01 of the Revised Code, for 43711~~
~~preschool children with disabilities approved annually by the 43712~~
~~department on the basis of standards and rules adopted by the 43713~~
~~state board. 43714~~

~~(D) All of the arithmetical calculations made under this 43715~~
~~section shall be carried to the second decimal place. The total 43716~~
~~number of units for school districts, service centers, and 43717~~
~~institutions approved annually under this section shall not exceed 43718~~
~~the number of units included in the estimate of cost for these 43719~~
~~units and appropriations made for them by the general assembly. 43720~~

~~In the case of units for preschool children with disabilities 43721~~
~~described in division (B) of this section, the department shall 43722~~
~~approve only preschool units for children who are under age six on 43723~~
~~the thirtieth day of September of the academic year, or on the 43724~~
~~first day of August of the academic year if the school district in 43725~~
~~which the child is enrolled has adopted a resolution under 43726~~
~~division (A)(3) of section 3321.01 of the Revised Code, but not 43727~~
~~less than age three on the first day of December of the academic 43728~~

~~year, except that such a unit may include one or more children who~~ 43729
~~are under age three or are age six or over on the applicable date,~~ 43730
~~as reported under division (B)(2) or (C)(2)(b) of section 3317.03~~ 43731
~~of the Revised Code, if such children have been admitted to the~~ 43732
~~unit pursuant to rules of the state board. The number of units for~~ 43733
~~county DD boards and institutions eligible for payment under~~ 43734
~~section 3323.091 of the Revised Code approved under this section~~ 43735
~~shall not exceed the number that can be funded with appropriations~~ 43736
~~made for such purposes by the general assembly.~~ 43737

~~No unit shall be approved under divisions (B) and (C) of this~~ 43738
~~section unless a plan has been submitted and approved under~~ 43739
~~Chapter 3323. of the Revised Code.~~ 43740

(C) The department shall pay each institution approved for 43741
career-technical education units under division (A) of this 43742
section an amount for the total of all the units approved under 43743
that division. The amount for each unit shall be the sum of the 43744
minimum salary for the teacher of the unit, calculated on the 43745
basis of the teacher's training level and years of experience 43746
pursuant to the salary schedule prescribed in the version of 43747
section 3317.13 of the Revised Code in effect prior to July 1, 43748
2001, plus fifteen per cent of that minimum salary amount, and 43749
nine thousand five hundred ten dollars. Each institution that 43750
receives unit funds under this division annually shall report to 43751
the department on the delivery of services and the performance of 43752
students and any other information required by the department to 43753
evaluate the institution's career-technical education program. 43754

(D) For each unit allocated to an institution pursuant to 43755
division (A) of this section, the department, in addition to the 43756
amount specified in division (B) of this section, shall pay a 43757
supplemental unit allowance of \$7,227. 43758

Sec. 3317.06. Moneys paid to school districts under division 43759

(E) of section 3317.024 of the Revised Code shall be used for the 43760
following independent and fully severable purposes: 43761

(A) To purchase such secular textbooks or electronic 43762
textbooks as have been approved by the superintendent of public 43763
instruction for use in public schools in the state and to loan 43764
such textbooks or electronic textbooks to pupils attending 43765
nonpublic schools within the district or to their parents and to 43766
hire clerical personnel to administer such lending program. Such 43767
loans shall be based upon individual requests submitted by such 43768
nonpublic school pupils or parents. Such requests shall be 43769
submitted to the school district in which the nonpublic school is 43770
located. Such individual requests for the loan of textbooks or 43771
electronic textbooks shall, for administrative convenience, be 43772
submitted by the nonpublic school pupil or the pupil's parent to 43773
the nonpublic school, which shall prepare and submit collective 43774
summaries of the individual requests to the school district. As 43775
used in this section: 43776

(1) "Textbook" means any book or book substitute that a pupil 43777
uses as a consumable or nonconsumable text, text substitute, or 43778
text supplement in a particular class or program in the school the 43779
pupil regularly attends. 43780

(2) "Electronic textbook" means any book or book substitute 43781
that a student accesses through the use of a computer or other 43782
electronic medium or that is available through an internet-based 43783
provider of course content, or any other material that contributes 43784
to the learning process through electronic means. 43785

(B) To provide speech and hearing diagnostic services to 43786
pupils attending nonpublic schools within the district. Such 43787
service shall be provided in the nonpublic school attended by the 43788
pupil receiving the service. 43789

(C) To provide physician, nursing, dental, and optometric 43790

services to pupils attending nonpublic schools within the 43791
district. Such services shall be provided in the school attended 43792
by the nonpublic school pupil receiving the service. 43793

(D) To provide diagnostic psychological services to pupils 43794
attending nonpublic schools within the district. Such services 43795
shall be provided in the school attended by the pupil receiving 43796
the service. 43797

(E) To provide therapeutic psychological and speech and 43798
hearing services to pupils attending nonpublic schools within the 43799
district. Such services shall be provided in the public school, in 43800
nonpublic schools, in public centers, or in mobile units located 43801
on or off of the nonpublic premises. If such services are provided 43802
in the public school or in public centers, transportation to and 43803
from such facilities shall be provided by the school district in 43804
which the nonpublic school is located. 43805

(F) To provide guidance, counseling, and social work services 43806
to pupils attending nonpublic schools within the district. Such 43807
services shall be provided in the public school, in nonpublic 43808
schools, in public centers, or in mobile units located on or off 43809
of the nonpublic premises. If such services are provided in the 43810
public school or in public centers, transportation to and from 43811
such facilities shall be provided by the school district in which 43812
the nonpublic school is located. 43813

(G) To provide remedial services to pupils attending 43814
nonpublic schools within the district. Such services shall be 43815
provided in the public school, in nonpublic schools, in public 43816
centers, or in mobile units located on or off of the nonpublic 43817
premises. If such services are provided in the public school or in 43818
public centers, transportation to and from such facilities shall 43819
be provided by the school district in which the nonpublic school 43820
is located. 43821

(H) To supply for use by pupils attending nonpublic schools 43822
within the district such standardized tests and scoring services 43823
as are in use in the public schools of the state; 43824

(I) To provide programs for children who attend nonpublic 43825
schools within the district and are children with disabilities as 43826
defined in section 3323.01 of the Revised Code or gifted children. 43827
Such programs shall be provided in the public school, in nonpublic 43828
schools, in public centers, or in mobile units located on or off 43829
of the nonpublic premises. If such programs are provided in the 43830
public school or in public centers, transportation to and from 43831
such facilities shall be provided by the school district in which 43832
the nonpublic school is located. 43833

(J) To hire clerical personnel to assist in the 43834
administration of programs pursuant to divisions (B), (C), (D), 43835
(E), (F), (G), and (I) of this section and to hire supervisory 43836
personnel to supervise the providing of services and textbooks 43837
pursuant to this section. 43838

(K) To purchase or lease any secular, neutral, and 43839
nonideological computer application software designed to assist 43840
students in performing a single task or multiple related tasks, 43841
device management software, learning management software, 43842
site-licensing, digital video on demand (DVD), wide area 43843
connectivity and related technology as it relates to internet 43844
access, mathematics or science equipment and materials, 43845
instructional materials, and school library materials that are in 43846
general use in the public schools of the state and loan such items 43847
to pupils attending nonpublic schools within the district or to 43848
their parents, and to hire clerical personnel to administer the 43849
lending program. Only such items that are incapable of diversion 43850
to religious use and that are susceptible of loan to individual 43851
pupils and are furnished for the use of individual pupils shall be 43852
purchased and loaned under this division. As used in this section, 43853

"instructional materials" means prepared learning materials that 43854
are secular, neutral, and nonideological in character and are of 43855
benefit to the instruction of school children, ~~and may include~~ 43856
~~educational resources and services developed by the eTech Ohio~~ 43857
~~commission.~~ 43858

(L) To purchase or lease instructional equipment, including 43859
computer hardware and related equipment in general use in the 43860
public schools of the state, for use by pupils attending nonpublic 43861
schools within the district and to loan such items to pupils 43862
attending nonpublic schools within the district or to their 43863
parents, and to hire clerical personnel to administer the lending 43864
program. "Computer hardware and related equipment" includes 43865
desktop computers and workstations; laptop computers, computer 43866
tablets, and other mobile handheld devices; and their operating 43867
systems and accessories. 43868

(M) To purchase mobile units to be used for the provision of 43869
services pursuant to divisions (E), (F), (G), and (I) of this 43870
section and to pay for necessary repairs and operating costs 43871
associated with these units. 43872

(N) To reimburse costs the district incurred to store the 43873
records of a chartered nonpublic school that closes. 43874
Reimbursements under this division shall be made one time only for 43875
each chartered nonpublic school that closes. 43876

(O) To purchase life-saving medical or other emergency 43877
equipment for placement in nonpublic schools within the district 43878
or to maintain such equipment. 43879

Clerical and supervisory personnel hired pursuant to division 43880
(J) of this section shall perform their services in the public 43881
schools, in nonpublic schools, public centers, or mobile units 43882
where the services are provided to the nonpublic school pupil, 43883
except that such personnel may accompany pupils to and from the 43884

service sites when necessary to ensure the safety of the children 43885
receiving the services. 43886

All services provided pursuant to this section may be 43887
provided under contract with educational service centers, the 43888
department of health, city or general health districts, or private 43889
agencies whose personnel are properly licensed by an appropriate 43890
state board or agency. 43891

Transportation of pupils provided pursuant to divisions (E), 43892
(F), (G), and (I) of this section shall be provided by the school 43893
district from its general funds and not from moneys paid to it 43894
under division (E) of section 3317.024 of the Revised Code unless 43895
a special transportation request is submitted by the parent of the 43896
child receiving service pursuant to such divisions. If such an 43897
application is presented to the school district, it may pay for 43898
the transportation from moneys paid to it under division (E) of 43899
section 3317.024 of the Revised Code. 43900

No school district shall provide health or remedial services 43901
to nonpublic school pupils as authorized by this section unless 43902
such services are available to pupils attending the public schools 43903
within the district. 43904

Materials, equipment, computer hardware or software, 43905
textbooks, electronic textbooks, and health and remedial services 43906
provided for the benefit of nonpublic school pupils pursuant to 43907
this section and the admission of pupils to such nonpublic schools 43908
shall be provided without distinction as to race, creed, color, or 43909
national origin of such pupils or of their teachers. 43910

No school district shall provide services, materials, or 43911
equipment that contain religious content for use in religious 43912
courses, devotional exercises, religious training, or any other 43913
religious activity. 43914

As used in this section, "parent" includes a person standing 43915

in loco parentis to a child. 43916

Notwithstanding section 3317.01 of the Revised Code, payments 43917
shall be made under this section to any city, local, or exempted 43918
village school district within which is located one or more 43919
nonpublic elementary or high schools and any payments made to 43920
school districts under division (E) of section 3317.024 of the 43921
Revised Code for purposes of this section may be disbursed without 43922
submission to and approval of the controlling board. 43923

The allocation of payments for materials, equipment, 43924
textbooks, electronic textbooks, health services, and remedial 43925
services to city, local, and exempted village school districts 43926
shall be on the basis of the state board of education's estimated 43927
annual average daily membership in nonpublic elementary and high 43928
schools located in the district. 43929

Payments made to city, local, and exempted village school 43930
districts under this section shall be equal to specific 43931
appropriations made for the purpose. All interest earned by a 43932
school district on such payments shall be used by the district for 43933
the same purposes and in the same manner as the payments may be 43934
used. 43935

The department of education shall adopt guidelines and 43936
procedures under which such programs and services shall be 43937
provided, under which districts shall be reimbursed for 43938
administrative costs incurred in providing such programs and 43939
services, and under which any unexpended balance of the amounts 43940
appropriated by the general assembly to implement this section may 43941
be transferred to the auxiliary services personnel unemployment 43942
compensation fund established pursuant to section 4141.47 of the 43943
Revised Code. The department shall also adopt guidelines and 43944
procedures limiting the purchase and loan of the items described 43945
in division (K) of this section to items that are in general use 43946
in the public schools of the state, that are incapable of 43947

diversion to religious use, and that are susceptible to individual 43948
use rather than classroom use. Within thirty days after the end of 43949
each biennium, each board of education shall remit to the 43950
department all moneys paid to it under division (E) of section 43951
3317.024 of the Revised Code and any interest earned on those 43952
moneys that are not required to pay expenses incurred under this 43953
section during the biennium for which the money was appropriated 43954
and during which the interest was earned. If a board of education 43955
subsequently determines that the remittal of moneys leaves the 43956
board with insufficient money to pay all valid expenses incurred 43957
under this section during the biennium for which the remitted 43958
money was appropriated, the board may apply to the department of 43959
education for a refund of money, not to exceed the amount of the 43960
insufficiency. If the department determines the expenses were 43961
lawfully incurred and would have been lawful expenditures of the 43962
refunded money, it shall certify its determination and the amount 43963
of the refund to be made to the director of job and family 43964
services who shall make a refund as provided in section 4141.47 of 43965
the Revised Code. 43966

Each school district shall label materials, equipment, 43967
computer hardware or software, textbooks, and electronic textbooks 43968
purchased or leased for loan to a nonpublic school under this 43969
section, acknowledging that they were purchased or leased with 43970
state funds under this section. However, a district need not label 43971
materials, equipment, computer hardware or software, textbooks, or 43972
electronic textbooks that the district determines are consumable 43973
in nature or have a value of less than two hundred dollars. 43974

Sec. 3317.08. A board of education may admit to its schools a 43975
child it is not required by section 3313.64 or 3313.65 of the 43976
Revised Code to admit, if tuition is paid for the child. 43977

Unless otherwise provided by law, tuition shall be computed 43978

in accordance with this section. A district's tuition charge for a 43979
school year shall be one of the following: 43980

(A) For any child, except a preschool child with a disability 43981
described in division (B) of this section, the quotient obtained 43982
by dividing the sum of the amounts described in divisions (A)(1) 43983
and (2) of this section by the district's formula ADM. 43984

(1) The district's total taxes charged and payable for 43985
current expenses for the tax year preceding the tax year in which 43986
the school year begins as certified under division (A)(3) of 43987
section 3317.021 of the Revised Code. 43988

(2) The district's total taxes collected for current expenses 43989
under a school district income tax adopted pursuant to section 43990
5748.03, 5748.08, or 5748.09 of the Revised Code that are 43991
disbursed to the district during the fiscal year, excluding any 43992
income tax receipts allocated for the project cost, debt service, 43993
or maintenance set-aside associated with a state-assisted 43994
classroom facilities project as authorized by section 3318.052 of 43995
the Revised Code. On or before the first day of June of each year, 43996
the tax commissioner shall certify the amount to be used in the 43997
calculation under this division for the next fiscal year to the 43998
department of education and the office of budget and management 43999
for each city, local, and exempted village school district that 44000
levies a school district income tax. 44001

(B) For any preschool child with a disability ~~not included in~~ 44002
~~a unit approved under division (B) of section 3317.05 of the~~ 44003
~~Revised Code~~, an amount computed for the school year as follows: 44004

(1) For each type of special education service provided to 44005
the child for whom tuition is being calculated, determine the 44006
amount of the district's operating expenses in providing that type 44007
of service to all preschool children with disabilities ~~not~~ 44008
~~included in units approved under division (B) of section 3317.05~~ 44009

~~of the Revised Code;~~ 44010

(2) For each type of special education service for which 44011
operating expenses are determined under division (B)(1) of this 44012
section, determine the amount of such operating expenses that was 44013
paid from any state funds received under this chapter; 44014

(3) For each type of special education service for which 44015
operating expenses are determined under division (B)(1) of this 44016
section, divide the difference between the amount determined under 44017
division (B)(1) of this section and the amount determined under 44018
division (B)(2) of this section by the total number of preschool 44019
children with disabilities ~~not included in units approved under~~ 44020
~~division (B) of section 3317.05 of the Revised Code~~ who received 44021
that type of service; 44022

(4) Determine the sum of the quotients obtained under 44023
division (B)(3) of this section for all types of special education 44024
services provided to the child for whom tuition is being 44025
calculated. 44026

The state board of education shall adopt rules defining the 44027
types of special education services and specifying the operating 44028
expenses to be used in the computation under this section. 44029

If any child for whom a tuition charge is computed under this 44030
section for any school year is enrolled in a district for only 44031
part of that school year, the amount of the district's tuition 44032
charge for the child for the school year shall be computed in 44033
proportion to the number of school days the child is enrolled in 44034
the district during the school year. 44035

Except as otherwise provided in division (J) of section 44036
3313.64 of the Revised Code, whenever a district admits a child to 44037
its schools for whom tuition computed in accordance with this 44038
section is an obligation of another school district, the amount of 44039
the tuition shall be certified by the treasurer of the board of 44040

education of the district of attendance, to the board of education 44041
of the district required to pay tuition for its approval and 44042
payment. If agreement as to the amount payable or the district 44043
required to pay the tuition cannot be reached, or the board of 44044
education of the district required to pay the tuition refuses to 44045
pay that amount, the board of education of the district of 44046
attendance shall notify the superintendent of public instruction. 44047
The superintendent shall determine the correct amount and the 44048
district required to pay the tuition and shall deduct that amount, 44049
if any, under division (D) of section 3317.023 of the Revised 44050
Code, from the district required to pay the tuition and add that 44051
amount to the amount allocated to the district attended under such 44052
division. The superintendent of public instruction shall send to 44053
the district required to pay the tuition an itemized statement 44054
showing such deductions at the time of such deduction. 44055

When a political subdivision owns and operates an airport, 44056
welfare, or correctional institution or other project or facility 44057
outside its corporate limits, the territory within which the 44058
facility is located is exempt from taxation by the school district 44059
within which such territory is located, and there are school age 44060
children residing within such territory, the political subdivision 44061
owning such tax exempt territory shall pay tuition to the district 44062
in which such children attend school. The tuition for these 44063
children shall be computed as provided for in this section. 44064

Sec. 3317.10. (A) On or before the first day of March of each 44065
year, the department of job and family services shall certify to 44066
the state board of education the unduplicated number of children 44067
ages five through seventeen residing in each school district and 44068
living in a family that, during the preceding October, 44069
participated in Ohio works first. 44070

The department of job and family services shall certify this 44071

information according to the school district of residence for each 44072
child. ~~Except as provided under division (B) of this section, the~~ 44073
~~number of children so certified in any year shall be used by the~~ 44074
~~department of education in calculating the distribution of moneys~~ 44075
~~for the ensuing fiscal year as provided in section 3317.029 of the~~ 44076
~~Revised Code.~~ 44077

(B) Upon the transfer of part of the territory of one school 44078
district to the territory of one or more other school districts, 44079
the department of education may adjust the number of children 44080
certified under division (A) of this section for any district 44081
gaining or losing territory in such a transfer in order to take 44082
into account the effect of the transfer on the number of such 44083
children who reside in the district. Within sixty days of receipt 44084
of a request for information from the department of education, the 44085
department of job and family services shall provide any 44086
information the department of education determines is necessary to 44087
make such adjustments. ~~The department of education may use the~~ 44088
~~adjusted number for any district for the applicable fiscal year,~~ 44089
~~in lieu of the number certified for the district for that fiscal~~ 44090
~~year under division (A) of this section, in the calculation of the~~ 44091
~~distribution of moneys provided in section 3317.029 of the Revised~~ 44092
~~Code.~~ 44093

Sec. 3317.12. Any board of education participating in funds 44094
distributed under Chapter 3317. of the Revised Code shall annually 44095
adopt a salary ~~schedule~~ schedules for teachers and nonteaching 44096
school employees ~~based upon training, experience, and~~ 44097
~~qualifications with initial salaries no less than the salaries in~~ 44098
~~effect on October 13, 1967. Each board of education shall prepare~~ 44099
~~and may amend from time to time, specifications descriptive of~~ 44100
~~duties, responsibilities, requirements, and desirable~~ 44101
~~qualifications of the classifications of employees required to~~ 44102
~~perform the duties specified in the salary schedule. All~~ 44103

~~nonteaching school employees are to be notified of the position 44104
classification to which they are assigned and the salary for the 44105
classification. The compensation of all employees working for a 44106
particular school board shall be uniform for like positions except 44107
as compensation would be affected by salary increments based upon 44108
length of service. 44109~~

~~On the fifteenth day of October each year the salary schedule 44110
and the list of job classifications and salaries in effect on that 44111
date shall be filed by each board of education with the 44112
superintendent of public instruction. If such salary schedule and 44113
classification plan is not filed the superintendent of public 44114
instruction shall order the board to file such schedules 44115
forthwith. If this condition is not corrected within ten days 44116
after receipt of the order from the superintendent of public 44117
instruction, no money shall be distributed to the district under 44118
Chapter 3317. of the Revised Code until the superintendent has 44119
satisfactory evidence of the board of education's full compliance 44120
with such order. 44121~~

Sec. 3317.14. Any school district board of education or 44122
educational service center governing board participating in funds 44123
distributed under Chapter 3317. of the Revised Code shall annually 44124
adopt a teachers' salary schedule with provision for increments 44125
based upon training and years of service. ~~Notwithstanding sections 44126
3317.13 and 3319.088 of the Revised Code, the~~ The board may 44127
establish its own service requirements and may grant service 44128
credit for such activities as teaching in public or nonpublic 44129
schools in this state or in another state, for service as an 44130
educational assistant other than as a classroom aide employed in 44131
accordance with section 5107.541 of the Revised Code, and for 44132
service in the military or in an appropriate state or federal 44133
governmental agency, ~~provided no teacher receives less than the 44134
amount required to be paid pursuant to section 3317.13 of the 44135~~

~~Revised Code and provided full credit for a minimum of five years~~ 44136
~~of actual teaching and military experience as defined in division~~ 44137
~~(A) of section 3317.13 of the Revised Code is given to each~~ 44138
~~teacher.~~ 44139

~~On the fifteenth day of October of each year, a copy of the~~ 44140
~~salary schedule in effect on that date shall be filed by the board~~ 44141
~~of education of each local school district with the educational~~ 44142
~~service center superintendent, who thereupon shall certify to the~~ 44143
~~treasurer of such local district the correct salary to be paid to~~ 44144
~~each teacher in accordance with the adopted schedule.~~ 44145

~~Each teacher who has completed training which would qualify~~ 44146
~~such teacher for a higher salary bracket pursuant to this section~~ 44147
~~shall file by the fifteenth day of September with the treasurer of~~ 44148
~~the board of education or educational service center satisfactory~~ 44149
~~evidence of the completion of such additional training. The~~ 44150
~~treasurer shall then immediately place the teacher, pursuant to~~ 44151
~~this section and section 3317.13 of the Revised Code, in the~~ 44152
~~proper salary bracket in accordance with training and years of~~ 44153
~~service before certifying such salary, training, and years of~~ 44154
~~service to the superintendent of public instruction. No teacher~~ 44155
~~shall be paid less than the salary to which such teacher is~~ 44156
~~entitled pursuant to section 3317.13 of the Revised Code.~~ 44157

As used in this section: 44158

(A) "Years of service" includes the following: 44159

(1) All years of teaching service in the same school district 44160
or educational service center, regardless of training level, with 44161
each year consisting of at least one hundred twenty days under a 44162
teacher's contract; 44163

(2) All years of teaching service in a chartered, nonpublic 44164
school located in Ohio as a teacher licensed pursuant to section 44165
3319.22 of the Revised Code or in another public school, 44166

regardless of training level, with each year consisting of at 44167
least one hundred twenty days under a teacher's contract; 44168

(3) All years of teaching service in a chartered school or 44169
institution or a school or institution that subsequently became 44170
chartered or a chartered special education program or a special 44171
education program that subsequently became chartered operated by 44172
the state or by a subdivision or other local governmental unit of 44173
this state as a teacher licensed pursuant to section 3319.22 of 44174
the Revised Code, regardless of training level, with each year 44175
consisting of at least one hundred twenty days; 44176

(4) All years of active military service in the armed forces 44177
of the United States, as defined in section 3307.75 of the Revised 44178
Code, to a maximum of five years. For purposes of this 44179
calculation, a partial year of active military service of eight 44180
continuous months or more in the armed forces shall be counted as 44181
a full year. 44182

(B) "Teacher" means all teachers employed by the board of 44183
education of any school district, including any cooperative 44184
education or joint vocational school district and all teachers 44185
employed by any educational service center governing board. 44186

Sec. 3317.141. The board of education of any city, exempted 44187
village, local, or joint vocational school district that is the 44188
recipient of moneys from a grant awarded under the federal race to 44189
the top program, Division (A), Title XIV, Sections 14005 and 14006 44190
of the "American Recovery and Reinvestment Act of 2009," Pub. L. 44191
No. 111-5, 123 Stat. 115, shall comply with this section in 44192
accordance with the timeline contained in the board's scope of 44193
work, as approved by the superintendent of public instruction, and 44194
shall not be subject to ~~sections 3317.13 and section~~ 3317.14 of 44195
the Revised Code. The board of education of any other school 44196
district, and the governing board of each educational service 44197

center, shall comply with either this section or ~~sections 3317.13~~ 44198
and section 3317.14 of the Revised Code. 44199

(A) The board annually shall adopt a salary schedule for 44200
teachers based upon performance as described in division (B) of 44201
this section. 44202

(B) For purposes of the schedule, a board shall measure a 44203
teacher's performance by considering all of the following: 44204

(1) The level of license issued under section 3319.22 of the 44205
Revised Code that the teacher holds; 44206

(2) Whether the teacher is a highly qualified teacher, as 44207
defined in section 3319.074 of the Revised Code; 44208

(3) Ratings received by the teacher on performance 44209
evaluations conducted under section 3319.111 of the Revised Code. 44210

(C) The schedule shall provide for annual adjustments based 44211
on performance on the evaluations conducted under section 3319.111 44212
of the Revised Code. The annual performance-based adjustment for a 44213
teacher rated as accomplished shall be greater than the annual 44214
performance-based adjustment for a teacher rated as proficient. 44215

(D) The salary schedule adopted under this section may 44216
provide for additional compensation for teachers who agree to 44217
perform duties, not contracted for under a supplemental contract, 44218
that the employing board determines warrant additional 44219
compensation. Those duties may include, but are not limited to, 44220
assignment to a school building eligible for funding under Title I 44221
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 44222
6301 et seq.; assignment to a building in "school improvement" 44223
status under the "No Child Left Behind Act of 2001," as defined in 44224
section 3302.01 of the Revised Code; teaching in a grade level or 44225
subject area in which the board has determined there is a shortage 44226
within the district or service center; or assignment to a 44227

hard-to-staff school, as determined by the board. 44228

Sec. 3317.15. (A) As used in this section, "child with a 44229
disability" has the same meaning as in section 3323.01 of the 44230
Revised Code. 44231

(B) Each city, exempted village, local, and joint vocational 44232
school district shall continue to comply with all requirements of 44233
federal statutes and regulations, the Revised Code, and rules 44234
adopted by the state board of education governing education of 44235
children with disabilities, including, but not limited to, 44236
requirements that children with disabilities be served by 44237
appropriately licensed or certificated education personnel. 44238

(C) Each city, exempted village, local, and joint vocational 44239
school district shall consult with the educational service center 44240
serving the county in which the school district is located and, if 44241
it elects to participate pursuant to section 5126.04 of the 44242
Revised Code, the county DD board of that county, in providing 44243
services that serve the best interests of children with 44244
disabilities. 44245

(D) Each school district shall annually provide documentation 44246
to the department of education that it employs the appropriate 44247
number of licensed or certificated personnel to serve the 44248
district's students with disabilities. 44249

(E) The department annually shall audit a sample of school 44250
districts to ensure that children with disabilities are being 44251
appropriately reported. 44252

~~(F) Each school district shall provide speech language 44253
pathology services at a ratio of one speech language pathologist 44254
per two thousand students receiving any educational services from 44255
the district other than adult education. Each district shall 44256
provide school psychological services at a ratio of one school 44257~~

~~psychologist per two thousand five hundred students receiving any 44258
educational services from the district other than adult education. 44259
A district may obtain the services of speech language pathologists 44260
and school psychologists by any means permitted by law, including 44261
contracting with an educational service center. If, however, a 44262
district is unable to obtain the services of the required number 44263
of speech language pathologists or school psychologists, the 44264
district may request from the superintendent of public 44265
instruction, and the superintendent may grant, a waiver of this 44266
provision for a period of time established by the superintendent. 44267~~

Sec. 3317.16. (A) The department of education shall compute 44268
and distribute state core foundation funding to each joint 44269
vocational school district for the fiscal year as prescribed in 44270
the following divisions: 44271

(1) An opportunity grant calculated according to the 44272
following formula: 44273

[\$10,000,000 - (the district's three-year average valuation / 44274
the district's formula ADM)] X 0.0005 X the district's formula 44275
ADM. 44276

If the result of the calculation for a joint vocational 44277
school district under division (A)(1) of this section is less than 44278
zero, the joint vocational school district's opportunity grant 44279
shall be zero. 44280

(2) Targeted assistance funds calculated under section 44281
3317.161 of the Revised Code. 44282

(3) Additional state aid for special education and related 44283
services provided under Chapter 3323. of the Revised Code 44284
calculated as the sum of the following: 44285

(a) The district's category one special education ADM X the 44286
amount specified in division (A) of section 3317.013 of the 44287

<u>Revised Code X the district's state share index;</u>	44288
<u>(b) The district's category two special education ADM X the</u>	44289
<u>amount specified in division (B) of section 3317.013 of the</u>	44290
<u>Revised Code X the district's state share index;</u>	44291
<u>(c) The district's category three special education ADM X the</u>	44292
<u>amount specified in division (C) of section 3317.013 of the</u>	44293
<u>Revised Code X the district's state share index;</u>	44294
<u>(d) The district's category four special education ADM X the</u>	44295
<u>amount specified in division (D) of section 3317.013 of the</u>	44296
<u>Revised Code X the district's state share index;</u>	44297
<u>(e) The district's category five special education ADM X the</u>	44298
<u>amount specified in division (E) of section 3317.013 of the</u>	44299
<u>Revised Code X the district's state share index;</u>	44300
<u>(f) The district's category six special education ADM X the</u>	44301
<u>amount specified in division (F) of section 3317.013 of the</u>	44302
<u>Revised Code X the district's state share index.</u>	44303
<u>(4) Economically disadvantaged funds calculated under the</u>	44304
<u>following formula:</u>	44305
<u>The number of students who are economically disadvantaged as</u>	44306
<u>reported under division (D)(2)(1) of section 3317.03 of the</u>	44307
<u>Revised Code X \$500 X the district's economically disadvantaged</u>	44308
<u>index.</u>	44309
<u>(5) Limited English proficiency funds calculated as the sum</u>	44310
<u>of the following:</u>	44311
<u>(a) The district's category one limited English proficiency</u>	44312
<u>ADM X the amount specified in division (A) of section 3317.016 of</u>	44313
<u>the Revised Code X the district's state share index;</u>	44314
<u>(b) The district's category two limited English proficiency</u>	44315
<u>ADM X the amount specified in division (B) of section 3317.016 of</u>	44316
<u>the Revised Code X the district's state share index;</u>	44317

(c) The district's category three limited English proficiency 44318
ADM X the amount specified in division (C) of section 3317.016 of 44319
the Revised Code X the district's state share index; 44320

(d) The district's category four limited English proficiency 44321
ADM X the amount specified in division (D) of section 3317.016 of 44322
the Revised Code X the district's state share index. 44323

(6) Gifted funds calculated under the following formula: 44324

\$50 X the district's formula ADM. 44325

(B) The department shall deduct from the aggregate amount 44326
computed under division (A) of this section fifteen per cent of 44327
the sum of the amounts computed under division (A)(3) of this 44328
section and transfer that sum to the special education exceptional 44329
cost fund created in section 3317.0215 of the Revised Code. A 44330
joint vocational school district may apply for funds from the 44331
special education exceptional cost fund if it satisfies the 44332
criteria in section 3317.0214 of the Revised Code. 44333

(C)(1) For each student with a disability receiving special 44334
education and related services under an individualized education 44335
program, as defined in section 3323.01 of the Revised Code, at a 44336
joint vocational district, the resident district or, if the 44337
student is enrolled in a community school, the community school 44338
shall be responsible for the amount of any costs of providing 44339
those special education and related services to that student that 44340
exceed the sum of the amount calculated for those services 44341
attributable to that student under division (A) of this section. 44342

Those excess costs shall be calculated by subtracting the sum 44343
of the following from the actual cost to provide special education 44344
and related services to the student: 44345

(a) The per pupil amount of the opportunity grant calculated 44346
under division (A)(1) of this section; 44347

(b) Any funds received for the student under division (A)(3) 44348
of this section; 44349

(c) Any funds paid under section 3317.0214 for the student. 44350

(2) The board of education of the joint vocational school 44351
district may report the excess costs calculated under division 44352
(C)(1) of this section to the department of education. 44353

(3) If the board of education of the joint vocational school 44354
district reports excess costs under division (C)(2) of this 44355
section, the department shall pay the amount of excess cost 44356
calculated under division (C)(2) of this section to the joint 44357
vocational school district and shall deduct that amount as 44358
provided in division (C)(3)(a) or (b) of this section, as 44359
applicable: 44360

(a) If the student is not enrolled in a community school, the 44361
department shall deduct the amount from the account of the 44362
student's resident district pursuant to division (J) of section 44363
3317.023 of the Revised Code. 44364

(b) If the student is enrolled in a community school, the 44365
department shall deduct the amount from the account of the 44366
community school pursuant to section 3314.083 of the Revised Code. 44367

(D) As used in this section: 44368

(1) "Community school" means a community school established 44369
under Chapter 3314. of the Revised Code. 44370

(2) "Resident district" means the city, local, or exempted 44371
village school district in which a student is entitled to attend 44372
school under section 3313.64 or 3313.65 of the Revised Code. 44373

(3) "State share index" means the product of all of the 44374
following: 44375

(a) A joint vocational school district's valuation index; 44376

(b) The difference between the maximum and minimum of the 44377

valuation indexes for all joint vocational school districts with a 44378
total ADM greater than zero divided by 0.9; 44379

(c) 0.1. 44380

If a joint vocational school district's state share index is less 44381
than 0.05, it shall be considered to be 0.05. If a joint 44382
vocational school district's state share index is greater than 44383
0.95, it shall be considered to be 0.95. 44384

(4) "Valuation index" means the quotient obtained by dividing 44385
the quotient of the statewide three-year average valuation for 44386
joint vocational school districts with a total ADM greater than 44387
zero and the current year statewide total ADM for joint vocational 44388
school districts by the quotient of a joint vocational school 44389
district's three-year average valuation and its current year total 44390
ADM. 44391

Sec. 3317.161. Payment of the amount calculated for a joint 44392
vocational school district under this section shall be made under 44393
division (A) of section 3317.16 of the Revised Code. 44394

The department of education shall annually compute targeted 44395
assistance funds to joint vocational school districts, as follows: 44396

(A) Calculate the local wealth per pupil of each joint 44397
vocational school district, which equals the following sum: 44398

(1) One-half times the quotient of (a) the district's 44399
three-year average valuation divided by (b) its formula ADM; plus 44400

(2) One-half times the quotient of (a) the average of the 44401
total federal adjusted gross income of the school district's 44402
residents for the three years most recently reported under section 44403
3317.021 of the Revised Code divided by (b) its formula ADM. 44404

(B) Rank all joint vocational school districts in order of 44405
local wealth per pupil, from the district with the lowest local 44406
wealth per pupil to the district with the highest local wealth per 44407

pupil. 44408

(C) Compute the statewide wealth per pupil, which equals the 44409
following sum: 44410

(1) One-half times the quotient of (a) the sum of the 44411
three-year average valuations for all joint vocational school 44412
districts divided by (b) the sum of formula ADM counts for all 44413
joint vocational school districts; plus 44414

(2) One-half times the quotient of (a) the sum of the 44415
three-year average total federal adjusted gross incomes for all 44416
joint vocational school districts divided by (b) the sum of 44417
formula ADM counts for all joint vocational school districts. 44418

(D) Compute each joint vocational district's wealth index by 44419
dividing the statewide wealth per pupil by the district's local 44420
wealth per pupil. 44421

(E) Compute the per pupil targeted assistance for each 44422
eligible joint vocational school district in accordance with the 44423
following formula: 44424

(Threshold local wealth per pupil - the district's local wealth 44425
per pupil) X .00025 X the district's wealth index 44426

Where: 44427

(1) An "eligible joint vocational school district" means a 44428
school district with a local wealth per pupil less than that of 44429
the school district with the 39th lowest local wealth per pupil. 44430

(2) "Threshold local wealth per pupil" means the local wealth 44431
per pupil of the joint vocational school district with the 39th 44432
lowest local wealth per pupil. 44433

If the result of the calculation for a school district under 44434
division (E) of this section is less than zero, the district's 44435
targeted assistance shall be zero. 44436

(F) Calculate the aggregate amount to be paid as targeted 44437

assistance funds to each joint vocational school district under 44438
division (A) of section 3317.16 of the Revised Code by multiplying 44439
the per pupil targeted assistance computed under division (E) of 44440
this section by the district's formula ADM. 44441

Sec. 3317.162. (A) As used in this section: 44442

(1) "Category one career-technical education ADM" means the 44443
average daily membership of students receiving career-technical 44444
education services described in division (A) of section 3317.014 44445
of the Revised Code on a full-time equivalency basis that are 44446
reported by each city, local, exempted village, and joint 44447
vocational school district, community school, and STEM school that 44448
is assigned to the career-technical planning district. 44449

(2) "Category two career-technical education ADM" means the 44450
average daily membership of students receiving career-technical 44451
education services described in division (B) of section 3317.014 44452
of the Revised Code on a full-time equivalency basis that are 44453
reported by each city, local, exempted village, and joint 44454
vocational school district, community school, and STEM school that 44455
is assigned to the career-technical planning district. 44456

(3) "Category three career-technical education ADM" means the 44457
average daily membership of students receiving career-technical 44458
education services described in division (C) of section 3317.014 44459
of the Revised Code on a full-time equivalency basis that are 44460
reported by each city, local, exempted village, and joint 44461
vocational school district, community school, and STEM school that 44462
is assigned to the career-technical planning district. 44463

(4) "Category four career-technical education ADM" means the 44464
average daily membership of students receiving career-technical 44465
education services described in division (D) of section 3317.014 44466
of the Revised Code on a full-time equivalency basis that are 44467
reported by each city, local, exempted village, and joint 44468

vocational school district, community school, and STEM school that 44469
is assigned to the career-technical planning district. 44470

(5) "Category five career-technical education ADM" means the 44471
average daily membership of students receiving career-technical 44472
education services described in division (E) of section 3317.014 44473
of the Revised Code on a full-time equivalency basis that are 44474
reported by each city, local, exempted village, and joint 44475
vocational school district, community school, and STEM school that 44476
is assigned to the career-technical planning district. 44477

(B) The department of education shall compute for each 44478
career-technical planning district state career-technical 44479
education funds calculated as the sum of the following: 44480

(1) The district's category one career-technical education 44481
ADM X the amount specified in division (A) of section 3317.014 of 44482
the Revised Code; 44483

(2) The district's category two career-technical education 44484
ADM X the amount specified in division (B) of section 3317.014 of 44485
the Revised Code; 44486

(3) The district's category three career-technical education 44487
ADM X the amount specified in division (C) of section 3317.014 of 44488
the Revised Code; 44489

(4) The district's category four career-technical education 44490
ADM X the amount specified in division (D) of section 3317.014 of 44491
the Revised Code; 44492

(5) The district's category five career-technical education 44493
ADM X the amount specified in division (E) of section 3317.014 of 44494
the Revised Code. 44495

(C)(1) The lead district of a career-technical planning 44496
district shall review the career-technical education program of 44497
each city, local, and exempted village school district, each 44498

community school, and each STEM school that is assigned to the 44499
career-technical planning district and determine whether to 44500
approve or disapprove the program. The lead district shall notify 44501
the department of its determination. 44502

(2) Upon receiving notification of a lead district's 44503
approval, the department shall transfer to the member city, local, 44504
or exempted village school district, community school, or STEM 44505
school the funds attributed to the career-technical students 44506
enrolled in the district or school, according to a payment 44507
schedule prescribed by the department. 44508

(3) Upon receiving notification from a lead district of 44509
disapproval of a city, local, or exempted village school 44510
district's, a community school's, or STEM school's 44511
career-technical education program, the department shall 44512
automatically review the lead district's decision. If, as a result 44513
of the review, the department decides to approve the city, local, 44514
or exempted village school district's, the community school's, or 44515
the STEM school's career-technical education program, the 44516
department shall transfer the funds in the manner described in 44517
division (C)(2) of this section. The department's decision shall 44518
be final. 44519

(D) The department shall compute and distribute for each lead 44520
district of a career-technical planning district, including a 44521
joint vocational school district, state funds for career-technical 44522
education associated services calculated under the following 44523
formula: 44524

An associated services cost of \$150 X the sum of categories 44525
one through five career-technical education ADM for the 44526
career-technical planning district. 44527

As used in this division, a career-technical planning 44528
district's "category one through five career-technical education 44529

ADM" means the sum of the category one through five 44530
career-technical education ADM counts, or a full-time equivalency 44531
basis, for all of the city, exempted village, and local school 44532
districts assigned to the district, including those students 44533
entitled to attend school in the city, exempted village, and local 44534
school districts who are enrolled in community schools and STEM 44535
schools. 44536

In any fiscal year, a lead district of a career-technical 44537
planning district that receives funds under this division shall 44538
spend those funds only for purposes that the department designates 44539
as approved for career-technical education and for associated 44540
services expenses. Associated services may include such purposes 44541
as apprenticeship coordinators, coordinators for other 44542
career-technical education services, career-technical evaluation, 44543
and other purposes designated by the department. The department 44544
may deny payment under this division to any lead district of a 44545
career-technical planning district that the department determines 44546
is not operating those services or is using funds paid under this 44547
division for other purposes. 44548

Sec. 3317.163. In any fiscal year, a school district, 44549
community school, or STEM school receiving funds under division 44550
(C) of section 3317.162 of the Revised Code shall spend those 44551
funds only for the purposes that the department of education 44552
designates as approved for career-technical education expenses. 44553
Career-technical education expenses approved by the department 44554
shall include only expenses connected to the delivery of 44555
career-technical programming to career-technical students. The 44556
department shall require each school district, community school, 44557
and STEM school to report data annually so that the department may 44558
monitor the district's compliance with the requirements regarding 44559
the manner in which funding received under division (C) of section 44560
3317.162 of the Revised Code may be spent. 44561

Sec. 3317.18. (A) As used in this section, the terms "Chapter 44562
133. securities," "credit enhancement facilities," "debt charges," 44563
"general obligation," "legislation," "public obligations," and 44564
"securities" have the same meanings as in section 133.01 of the 44565
Revised Code. 44566

(B) The board of education of any school district authorizing 44567
the issuance of securities under section 133.10, ~~133.301~~, or 44568
3313.372 of the Revised Code or general obligation Chapter 133. 44569
securities may adopt legislation requesting the state department 44570
of education to approve, and enter into an agreement with the 44571
school district and the primary paying agent or fiscal agent for 44572
such securities providing for, the withholding and deposit of 44573
funds, otherwise due the district under Chapter 3317. of the 44574
Revised Code, for the payment of debt service charges on such 44575
securities. 44576

The board of education shall deliver to the state department 44577
a copy of such resolution and any additional pertinent information 44578
the state department may require. 44579

The department of education and the office of budget and 44580
management shall evaluate each request received from a school 44581
district under this section and the department, with the advice 44582
and consent of the director of budget and management, shall 44583
approve or deny each request based on all of the following: 44584

(1) Whether approval of the request will enhance the 44585
marketability of the securities for which the request is made; 44586

(2) Any other pertinent factors or limitations established in 44587
rules made under division (I) of this section, including: 44588

(a) Current and projected obligations of funds due to the 44589
requesting school district under Chapter 3317. of the Revised Code 44590
including obligations of those funds to public obligations or 44591

relevant credit enhancement facilities under this section, Chapter 44592
133. and section 3313.483 of the Revised Code, and under any other 44593
similar provisions of law; 44594

(b) Whether the department of education or the office of 44595
budget and management has any reason to believe the requesting 44596
school district will be unable to pay when due the debt charges on 44597
the securities for which the request is made. 44598

The department may require a school district to establish 44599
schedules for the payment of all debt charges that take into 44600
account the amount and timing of anticipated distributions of 44601
funds to the district under Chapter 3317. of the Revised Code. 44602

(C) If the department approves the request of a school 44603
district to withhold and deposit funds pursuant to this section, 44604
the department shall enter into a written agreement with the 44605
district and the primary paying agent or fiscal agent for the 44606
securities which shall provide for the withholding of funds 44607
pursuant to this section for the payment of debt charges on those 44608
securities, and may include both of the following: 44609

(1) Provisions for certification by the district to the 44610
department, at a time prior to any date for the payment of 44611
applicable debt charges, whether the district is able to pay those 44612
debt charges when due; 44613

(2) Requirements that the district deposit amounts for the 44614
payment of debt charges on the securities with the primary paying 44615
agent or fiscal agent for the securities prior to the date on 44616
which those debt charge payments are due to the owners or holders 44617
of the securities. 44618

(D) Whenever a district notifies the department of education 44619
that it will be unable to pay debt charges when they are due, 44620
subject to the withholding provisions of this section, or whenever 44621
the applicable paying agent or fiscal agent notifies the 44622

department that it has not timely received from a school district 44623
the full amount needed for the payment when due of those debt 44624
charges to the holders or owners of such securities, the 44625
department shall immediately contact the school district and the 44626
paying agent or fiscal agent to confirm or determine whether the 44627
district is unable to make the required payment by the date on 44628
which it is due. 44629

Upon demand of the treasurer of state while holding a school 44630
district obligation purchased under division (G)(1) of section 44631
135.143 of the Revised Code, the state department of education, 44632
without a request of the school district, shall withhold and 44633
deposit funds pursuant to this section for payment of debt service 44634
charges on that obligation. 44635

If the department confirms or determines that the district 44636
will be unable to make such payment and payment will not be made 44637
pursuant to a credit enhancement facility, the department shall 44638
promptly pay to the applicable primary paying agent or fiscal 44639
agent the lesser of the amount due for debt charges or the amount 44640
due the district for the remainder of the fiscal year under 44641
Chapter 3317. of the Revised Code. If this amount is insufficient 44642
to pay the total amount then due the agent for the payment of debt 44643
charges, the department shall pay to the agent each fiscal year 44644
thereafter, and until the full amount due the agent for unpaid 44645
debt charges is paid in full, the lesser of the remaining amount 44646
due the agent for debt charges or the amount due the district for 44647
the fiscal year under Chapter 3317. of the Revised Code. 44648

(E) The state department may make any payments under this 44649
division by direct deposit of funds by electronic transfer. 44650

Any amount received by a paying agent or fiscal agent under 44651
this section shall be applied only to the payment of debt charges 44652
on the securities of the school district subject to this section 44653
or to the reimbursement to the provider of a credit enhancement 44654

facility that has paid such debt charges. 44655

(F) To the extent a school district whose securities are 44656
subject to this section is unable to pay applicable debt charges 44657
because of the failure to collect property taxes levied for the 44658
payment of those debt charges, the district may transfer to or 44659
deposit into any fund that would have received payments under 44660
Chapter 3317. of the Revised Code that were withheld under this 44661
section any such delinquent property taxes when later collected, 44662
provided that transfer or deposit shall be limited to the amounts 44663
withheld from that fund under this section. 44664

(G) The department may make payments under this section to 44665
paying agents or fiscal agents only from and to the extent that 44666
money is appropriated by the general assembly for Chapter 3317. of 44667
the Revised Code or for the purposes of this section. No 44668
securities of a school district to which this section is made 44669
applicable constitute an obligation or a debt or a pledge of the 44670
faith, credit, or taxing power of the state, and the holders or 44671
owners of such securities have no right to have taxes levied or 44672
appropriations made by the general assembly for the payment of 44673
debt charges on those securities, and those securities, if the 44674
department requires, shall contain a statement to that effect. The 44675
agreement for or the actual withholding and payment of moneys 44676
under this section does not constitute the assumption by the state 44677
of any debt of a school district. 44678

(H) In the case of securities subject to the withholding 44679
provisions of this section, the issuing board of education shall 44680
appoint a paying agent or fiscal agent who is not an officer or 44681
employee of the school district. 44682

(I) The department of education, with the advice of the 44683
office of budget and management, may adopt reasonable rules not 44684
inconsistent with this section for the implementation of this 44685
section and division (B) of section 133.25 of the Revised Code as 44686

it relates to the withholding and depositing of payments under 44687
Chapter 3317. of the Revised Code to secure payment of debt 44688
charges on school district securities. Those rules shall include 44689
criteria for the evaluation and approval or denial of school 44690
district requests for withholding under this section and limits on 44691
the obligation for the purpose of paying debt charges or 44692
reimbursing credit enhancement facilities of funds otherwise to be 44693
paid to school districts under Chapter 3317. of the Revised Code. 44694

(J) The authority granted by this section is in addition to 44695
and not a limitation on any other authorizations granted by or 44696
pursuant to law for the same or similar purposes. 44697

Sec. 3317.19. ~~(A) As used in this section, "total unit~~ 44698
~~allowance" means an amount equal to the sum of the following:~~ 44699

~~(1) The total of the salary allowances for the teachers~~ 44700
~~employed in the cooperative education school district for all~~ 44701
~~units approved under division (B) or (C) of section 3317.05 of the~~ 44702
~~Revised Code. The salary allowance for each unit shall equal the~~ 44703
~~minimum salary for the teacher of the unit calculated on the basis~~ 44704
~~of the teacher's training level and years of experience pursuant~~ 44705
~~to the salary schedule prescribed in the version of section~~ 44706
~~3317.13 of the Revised Code in effect prior to July 1, 2001.~~ 44707

~~(2) Fifteen per cent of the total computed under division~~ 44708
~~(A)(1) of this section;~~ 44709

~~(3) The total of the unit operating allowances for all~~ 44710
~~approved units. The amount of each allowance shall equal one of~~ 44711
~~the following:~~ 44712

~~(a) Eight thousand twenty three dollars times the number of~~ 44713
~~units for preschool children with disabilities or fraction thereof~~ 44714
~~approved for the year under division (B) of section 3317.05 of the~~ 44715
~~Revised Code;~~ 44716

~~(b) Two thousand one hundred thirty two dollars times the~~ 44717
~~number of units or fraction thereof approved for the year under~~ 44718
~~division (C) of section 3317.05 of the Revised Code.~~ 44719

~~(B)~~ The state board of education shall compute and distribute 44720
to each cooperative education school district for each fiscal year 44721
an amount equal to the sum of the following: 44722

~~(1)~~(A) An amount equal to the total of the amounts credited 44723
to the cooperative education school district pursuant to division 44724
(H) of section 3317.023 of the Revised Code; 44725

~~(2) The total unit allowance;~~ 44726

~~(3)~~(B) An amount for assisting in providing free lunches to 44727
needy children pursuant to division (D) of section 3317.024 of the 44728
Revised Code. 44729

~~(C) If a cooperative education school district has had~~ 44730
~~additional special education units approved for the year under~~ 44731
~~division (F)(2) of section 3317.03 of the Revised Code, the~~ 44732
~~district shall receive an additional amount during the last half~~ 44733
~~of the fiscal year. For each unit, the additional amount shall~~ 44734
~~equal fifty per cent of the amount computed under division (A) of~~ 44735
~~this section for a unit approved under division (B) of section~~ 44736
~~3317.05 of the Revised Code.~~ 44737

Sec. 3317.20. This section does not apply to preschool 44738
children with disabilities. 44739

(A) As used in this section: 44740

(1) "Applicable ~~weight~~ special education amount" means the 44741
~~multiple amount~~ specified in section 3317.013 of the Revised Code 44742
for a disability described in that section. 44743

(2) "Child's school district" means the school district in 44744
which a child is entitled to attend school pursuant to section 44745
3313.64 or 3313.65 of the Revised Code. 44746

(3) "State share percentage index" means the state share 44747
percentage index of the child's school district. 44748

(4) "Opportunity per pupil amount" means the per pupil amount 44749
of the opportunity grant calculated under division (A)(1) of 44750
section 3317.022 of the Revised Code for a child's school 44751
district, as determined by the department of education. 44752

(5) "Targeted assistance per pupil amount" means the per 44753
pupil amount calculated under section 3317.0217 of the Revised 44754
Code for the child's school district. 44755

~~(B) Except as provided in division (C) of this section, the 44756~~
~~The department shall annually pay each county DD board for each 44757~~
~~child with a disability, other than a preschool child with a 44758~~
~~disability, for whom the county DD board provides special 44759~~
~~education and related services an amount equal to the formula 44760~~
~~amount + (state share percentage X formula amount X the applicable 44761~~
~~weight). 44762~~

~~(C) If any school district places with a county DD board more 44763~~
~~children with disabilities than it had placed with a county DD 44764~~
~~board in fiscal year 1998, the department shall not make a payment 44765~~
~~under division (B) of this section for the number of children 44766~~
~~exceeding the number placed in fiscal year 1998. The department 44767~~
~~instead shall deduct from the district's payments under this 44768~~
~~chapter, and pay to the county DD board, an amount calculated in 44769~~
~~accordance with the formula prescribed in division (B) of this 44770~~
~~section for each child over the number of children placed in 44771~~
~~fiscal year 1998. 44772~~

~~(D) The department shall calculate for each county DD board 44773~~
~~receiving payments under divisions (B) and (C) of this section the 44774~~
~~following amounts: 44775~~

~~(1) The amount received by the county DD board for approved 44776~~
~~special education and related services units, other than units for 44777~~

~~preschool children with disabilities, in fiscal year 1998, divided~~ 44778
~~by the total number of children served in the units that year;~~ 44779

~~(2) The product of the quotient calculated under division~~ 44780
~~(D)(1) of this section times the number of children for whom~~ 44781
~~payments are made under divisions (B) and (C) of this section.~~ 44782

~~If the amount calculated under division (D)(2) of this~~ 44783
~~section is greater than the total amount calculated under~~ 44784
~~divisions (B) and (C) of this section, the department shall pay~~ 44785
~~the county DD board one hundred per cent of the difference in~~ 44786
~~addition to the payments under divisions (B) and (C) of this~~ 44787
~~section sum of the following:~~ 44788

(1) (Opportunity per pupil amount + the applicable special 44789
education amount) X the state share index of the child's school 44790
district; 44791

(2) Targeted assistance per pupil amount. 44792

~~(E)(C)~~ Each county DD board shall report to the department, 44793
in the manner specified by the department, the name of each child 44794
for whom the county DD board provides special education and 44795
related services and the child's school district. 44796

~~(F)(D)~~(1) For the purpose of verifying the accuracy of the 44797
payments under this section, the department may request from 44798
either of the following entities the data verification code 44799
assigned under division (D)(2) of section 3301.0714 of the Revised 44800
Code to any child who is placed with a county DD board: 44801

(a) The child's school district; 44802

(b) The independent contractor engaged to create and maintain 44803
data verification codes. 44804

(2) Upon a request by the department under division ~~(F)(D)~~(1) 44805
of this section for the data verification code of a child, the 44806
child's school district shall submit that code to the department 44807

in the manner specified by the department. If the child has not
been assigned a code, the district shall assign a code to that
child and submit the code to the department by a date specified by
the department. If the district does not assign a code to the
child by the specified date, the department shall assign a code to
the child.

The department annually shall submit to each school district
the name and data verification code of each child residing in the
district for whom the department has assigned a code under this
division.

(3) The department shall not release any data verification
code that it receives under division ~~(F)~~(D) of this section to any
person except as provided by law.

~~(G)~~(E) Any document relative to special education and related
services provided by a county DD board that the department holds
in its files that contains both a student's name or other
personally identifiable information and the student's data
verification code shall not be a public record under section
149.43 of the Revised Code.

Sec. 3317.201. This section does not apply to preschool
children with disabilities.

(A) As used in this section, ~~the "total:~~

(1) "Total special education weight amount" for an
institution means the sum of the following amounts:

~~(1)~~(a) The number of children reported by the institution
under division (G)(1)(a)(i) of section 3317.03 of the Revised Code
as receiving services for a disability described in division (A)
of section 3317.013 of the Revised Code multiplied by the ~~multiple~~
amount specified in that division;

~~(2)~~(b) The number of children reported by the institution

under division (G)(1)(a)(i) of section 3317.03 of the Revised Code 44838
as receiving services for a disability described in division (B) 44839
of section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 44840
amount specified in that division; 44841

~~(3)(c)~~ The number of children reported by the institution 44842
under division (G)(1)(a)(i) of section 3317.03 of the Revised Code 44843
as receiving services for a disability described in division (C) 44844
of section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 44845
amount specified in that division; 44846

~~(4)(d)~~ The number of children reported by the institution 44847
under division (G)(1)(a)(i) of section 3317.03 of the Revised Code 44848
as receiving services for a disability described in division (D) 44849
of section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 44850
amount specified in that division; 44851

~~(5)(e)~~ The number of children reported by the institution 44852
under division (G)(1)(a)(i) of section 3317.03 of the Revised Code 44853
as receiving services for a disability described in division (E) 44854
of section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 44855
amount specified in that division; 44856

~~(6)(f)~~ The number of children reported by the institution 44857
under division (G)(1)(a)(i) of section 3317.03 of the Revised Code 44858
as receiving services for a disability described in division (F) 44859
of section 3317.013 of the Revised Code multiplied by the ~~multiple~~ 44860
amount specified in that division. 44861

(2) "Total targeted assistance funds" for an institution 44862
means the sum of all of the per pupil amounts of targeted 44863
assistance funds, computed under section 3317.0217 of the Revised 44864
Code, for all of the school districts in which the institution's 44865
special education students are entitled to attend school under 44866
section 3313.64 or 3313.65 of the Revised Code times the total 44867
number of the districts' students enrolled at the institution. 44868

(B) For each fiscal year, the department of education shall 44869
pay each state institution required to provide special education 44870
services under division (A) of section 3323.091 of the Revised 44871
Code an amount equal to the ~~greater~~ sum of: 44872

(1) The ~~formula amount times the~~ institution's total special 44873
education ~~weight~~ amount; 44874

(2) The ~~aggregate amount of special education and related~~ 44875
~~services unit funding the institution received for all children~~ 44876
~~with disabilities other than preschool children with disabilities~~ 44877
~~in fiscal year 2005 under sections 3317.052 and 3317.053 of the~~ 44878
~~Revised Code, as those sections existed prior to June 30, 2005~~ 44879
institution's total targeted assistance funds. 44880

Sec. ~~3313.847~~ 3317.30. (A) In the case of a child placed in 44881
the custody of a juvenile facility established under section 44882
2151.65 or a detention facility established under section 2152.41 44883
of the Revised Code, if payment for the child's education services 44884
shall be administered by one of the following methods: 44885

(1) If the facility educates the child, the facility, or the 44886
chartered nonpublic school it operates, may submit its request for 44887
payment directly to the school district that is to bear the cost 44888
of educating the child, as determined under section 2151.362 of 44889
the Revised Code. That district shall pay the facility or the 44890
chartered nonpublic school directly for those services. 44891

(2) If the facility contracts directly with a school district 44892
in which the facility is located for services for that child, the 44893
school district may submit its request for payment directly to the 44894
school district that is to bear the cost of educating the child, 44895
as determined under section 2151.362 of the Revised Code. That 44896
district shall pay the school district where the facility is 44897
located directly for those services. 44898

(3) If that facility contracts directly with an educational service center for services for that child, the service center may submit its request for payment for services for the child directly to the school district that is responsible to bear the cost of educating the child, as determined under section 2151.362 of the Revised Code. That district shall pay the service center directly for those services. ~~Notwithstanding~~

(B) Notwithstanding anything to the contrary in section 3317.03 of the Revised Code, the district that pays a service center, facility or chartered nonpublic school the facility operates, or other school district for services for a particular child under this section shall include that child in the district's average daily membership as reported under division (A) of section 3317.03 of the Revised Code. No other district shall include the child in its average daily membership.

Payments made for a child under this section shall be determined in accordance with division (C)(4) of section 3313.64 of the Revised Code.

Sec. 3317.40. (A) As used in this section, "subgroup" means one of the following subsets of the entire student population of a school district or a school building:

(1) Students with disabilities;

(2) Economically disadvantaged students;

(3) Limited English proficient students;

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code.

(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of

all students. As such, school districts and schools shall be held 44929
accountable for those funds to ensure that all students are 44930
provided an opportunity to master a common knowledge base in order 44931
to graduate from high school prepared for a career or for 44932
post-secondary education. 44933

(C) When funds are provided under this chapter specifically 44934
for services for a subgroup of students, the general assembly has 44935
determined that these students experience unique challenges 44936
requiring additional resources and intends that the funds so 44937
provided be used for services that will allow students in those 44938
subgroups to master the knowledge base required for high school 44939
graduation. 44940

(D) If a district or school fails to show consistent progress 44941
for any subgroup of students based on performance measures 44942
reported or graded under section 3302.03 of the Revised Code, as 44943
determined by the department of education, the district or school 44944
shall partner with, and pay the funds provided for that subgroup 44945
as calculated by the department, to another organization that has 44946
demonstrated the ability to improve the educational outcome for 44947
that subgroup of students to provide services to those students. 44948
The partner organization may be another school, district, or other 44949
education provider. 44950

The department shall publish a list of schools, school 44951
districts, and other educational providers that have demonstrated 44952
an ability to serve each subgroup of students. 44953

Sec. 3317.50. ~~The eTech-Ohio~~ telecommunity education fund is 44954
hereby created in the state treasury. The fund shall consist of 44955
certain excess local exchange telephone company contributions 44956
transferred from the reserve fund of the Ohio telecommunications 44957
advisory board pursuant to an agreement between the public 44958
utilities commission of Ohio and the Ohio department of education. 44959

The fund shall be used by the chancellor of the Ohio board of 44960
regents, in the amounts appropriated, to finance technology grants 44961
to state-chartered elementary and secondary schools. Investment 44962
earnings of the fund shall be credited to the fund. 44963

Sec. 3317.51. (A) The distance learning fund is hereby 44964
created in the state treasury. The fund shall consist of moneys 44965
~~paid to the eTech Ohio commission~~ by any telephone company as a 44966
part of a settlement agreement between such company and the public 44967
utilities commission in fiscal year 1995 in part to establish 44968
distance learning throughout the state. The ~~commission~~ chancellor 44969
of the Ohio board of regents shall administer the fund and expend 44970
moneys from it to finance technology grants to eligible schools 44971
chartered by the state board of education to establish distance 44972
learning in those schools. Chartered schools are eligible for 44973
funds if they are within the service area of the telephone 44974
company. Investment earnings of the fund shall be credited to the 44975
fund. 44976

(B) For purposes of this section, "distance learning" means 44977
the creation of a learning environment involving a school setting 44978
and at least one other location outside of the school which allows 44979
for information available at one site to be accessed at the other 44980
through the use of such educational applications as one-way or 44981
two-way transmission of data, voice, and video, singularly or in 44982
appropriate combinations. 44983

Sec. 3317.52. (A) The straight A program is hereby created to 44984
provide grants to city, local, exempted village, and joint 44985
vocational school districts, educational service centers, 44986
community schools established under Chapter 3314., STEM schools 44987
established under Chapter 3326. of the Revised Code, individual 44988
school buildings, education consortia (which may represent a 44989
partnership with other school districts), institutions of higher 44990

education, and private entities for projects that aim to achieve 44991
significant advancement in one or more of the following goals: 44992

(1) Student achievement; 44993

(2) Spending reduction in the five-year fiscal forecast 44994
required under section 5705.391 of the Revised Code; 44995

(3) Utilization of a greater share of resources in the 44996
classroom. 44997

(B)(1) Grants shall be awarded by a governing board 44998
consisting of seven members appointed by the governor, one member 44999
appointed by the speaker of the house of representatives, and one 45000
member appointed by the president of the senate. The department of 45001
education, under the direction of the director of the governor's 45002
office of 21st century education, shall provide administrative 45003
support to the board. 45004

(2) The board shall select grant advisors with fiscal 45005
expertise and education expertise. These advisors shall evaluate 45006
proposals from grant applicants and advise the staff administering 45007
the program. 45008

(3) The board shall issue an annual report to the governor, 45009
the speaker of the house of representatives, the president of the 45010
senate, and the chairpersons of the house and senate committees 45011
that primarily deal with education regarding the types of grants 45012
awarded, the grant recipients, and the effectiveness of the grant 45013
program. 45014

(C) Each grant applicant shall submit a proposal that 45015
includes all of the following: 45016

(1) A description of the project for which the applicant is 45017
seeking a grant, including a description of how the project will 45018
have substantial value and lasting impact; 45019

(2) An explanation of how the project will be 45020

self-sustaining. If the project will result in increased ongoing 45021
spending, the applicant shall show how the spending will be offset 45022
by verifiable, credible, permanent spending reductions. 45023

(3) A description of quantifiable results of the project that 45024
can be benchmarked. 45025

(D)(1) Within seventy-five days after receiving a grant 45026
application, the board shall issue a decision on the application 45027
of "yes," "no," "hold," or "edit." In making its decision, the 45028
board shall consider whether the project has the capability of 45029
being replicated in other school districts and schools or creates 45030
something that can be used in other districts and schools. 45031

(2) If the board issues a "hold" or "edit" decision for an 45032
application, it shall, upon returning the application to the 45033
applicant, specify the process for reconsideration of the 45034
application. An applicant may work with the grant advisors and 45035
staff to modify or improve a grant application. 45036

(E) Upon deciding to award a grant to an applicant, the board 45037
shall enter into a grant agreement with the applicant that 45038
includes all of the following: 45039

(1) The content of the applicant's proposal as outlined under 45040
division (C) of this section; 45041

(2) The project's deliverables and a timetable for their 45042
completion; 45043

(3) Conditions for receiving grant funding; 45044

(4) Conditions for receiving funding in future years if the 45045
contract is a multi-year contract; 45046

(5) A provision specifying that funding will be returned to 45047
the board if the applicant fails to implement the agreement, as 45048
determined by the auditor of state. 45049

(6) A provision specifying that the agreement may be amended 45050

by mutual agreement between the board and the applicant. 45051

(F) An advisory committee for the straight A program is 45052
hereby established. The committee shall consist of the following: 45053

(1) Not more than seventeen members appointed by the governor 45054
that represent all areas of the state and different interests; 45055

(2) Two members of the senate, one from each political party, 45056
appointed by the president of the senate; 45057

(3) Two members of the house of representatives, one from 45058
each political party, appointed by the speaker of the house of 45059
representatives. 45060

The committee shall annually review the straight A program 45061
and provide strategic advice to the governing board and the 45062
director of the governor's office of 21st century education. 45063

Sec. 3318.011. For purposes of providing assistance under 45064
sections 3318.01 to 3318.20 of the Revised Code, the department of 45065
education shall annually do all of the following: 45066

(A) Calculate the adjusted valuation per pupil of each city, 45067
local, and exempted village school district according to the 45068
following formula: 45069

The district's valuation per pupil - 45070

$[\$30,000 \times (1 - \text{the district's income factor})]$. 45071

For purposes of this calculation: 45072

(1) Except for a district with an open enrollment net gain 45073
that is ten per cent or more of its formula ADM, "valuation per 45074
pupil" for a district means its average taxable value, divided by 45075
its formula ADM for the previous fiscal year. "Valuation per 45076
pupil," for a district with an open enrollment net gain that is 45077
ten per cent or more of its formula ADM, means its average taxable 45078
value, divided by the sum of its formula ADM for the previous 45079
fiscal year plus its open enrollment net gain for the previous 45080

fiscal year. 45081

(2) "Average taxable value" means the average of the sum of 45082
the amounts certified for a district under divisions (A)(1) and 45083
(2) of section 3317.021 of the Revised Code in the second, third, 45084
and fourth preceding fiscal years. 45085

(3) "Entitled to attend school" means entitled to attend 45086
school in a city, local, or exempted village school district under 45087
section 3313.64 or 3313.65 of the Revised Code. 45088

(4) "Formula ADM" ~~and "income factor"~~ have has the same 45089
~~meanings meaning~~ as in section 3317.02 of the Revised Code. 45090

(5) "Native student" has the same meaning as in section 45091
3313.98 of the Revised Code. 45092

(6) "Open enrollment net gain" for a district means (a) the 45093
number of the students entitled to attend school in another 45094
district but who are enrolled in the schools of the district under 45095
its open enrollment policy minus (b) the number of the district's 45096
native students who are enrolled in the schools of another 45097
district under the other district's open enrollment policy, both 45098
numbers as certified to the department under section 3313.981 of 45099
the Revised Code. If the difference is a negative number, the 45100
district's "open enrollment net gain" is zero. 45101

(7) "Open enrollment policy" means an interdistrict open 45102
enrollment policy adopted under section 3313.98 of the Revised 45103
Code. 45104

(8) "District median income" means the median Ohio adjusted 45105
gross income certified for a school district. On or before the 45106
first day of July of each year, the tax commissioner shall certify 45107
to the department of education and the office of budget and 45108
management for each city, exempted village, and local school 45109
district the median Ohio adjusted gross income of the residents of 45110
the school district determined on the basis of tax returns filed 45111

for the second preceding tax year by the residents of the 45112
district. 45113

(9) "Statewide median income" means the median district 45114
median income of all city, exempted village, and local school 45115
districts in the state. 45116

(10) "Income factor" for a city, exempted village, or local 45117
school district means the quotient obtained by dividing that 45118
district's median income by the statewide median income. 45119

(B) Calculate for each district the three-year average of the 45120
adjusted valuations per pupil calculated for the district for the 45121
current and two preceding fiscal years; 45122

(C) Rank all such districts in order of adjusted valuation 45123
per pupil from the district with the lowest three-year average 45124
adjusted valuation per pupil to the district with the highest 45125
three-year average adjusted valuation per pupil; 45126

(D) Divide such ranking into percentiles with the first 45127
percentile containing the one per cent of school districts having 45128
the lowest three-year average adjusted valuations per pupil and 45129
the one-hundredth percentile containing the one per cent of school 45130
districts having the highest three-year average adjusted 45131
valuations per pupil; 45132

(E) Determine the school districts that have three-year 45133
average adjusted valuations per pupil that are greater than the 45134
median three-year average adjusted valuation per pupil for all 45135
school districts in the state; 45136

(F) On or before the first day of September, certify the 45137
information described in divisions (A) to (E) of this section to 45138
the Ohio school facilities commission. 45139

Sec. 3318.031. (A) The Ohio school facilities commission 45140
shall consider student and staff safety and health when reviewing 45141

design plans for classroom facility construction projects proposed 45142
under this chapter. After consulting with appropriate education, 45143
health, and law enforcement personnel, the commission may require 45144
as a condition of project approval under either section 3318.03 or 45145
division (B)(1) of section 3318.41 of the Revised Code such 45146
changes in the design plans as the commission believes will 45147
advance or improve student and staff safety and health in the 45148
proposed classroom facility. 45149

To carry out its duties under this division, the commission 45150
shall review and, if necessary, amend any construction and design 45151
standards used in its project approval process, including 45152
standards for location and number of exits, standards for lead 45153
safety in classroom facilities constructed before 1978 in which 45154
services are provided to children under six years of age, and 45155
location of restrooms, with a focus on advancing student and staff 45156
safety and health. 45157

(B) When reviewing design standards for classroom facility 45158
construction projects proposed under this chapter, the commission 45159
shall also consider the extent to which the design standards 45160
support the following: 45161

(1) ~~Support and facilitation of smaller classes and the trend~~ 45162
~~toward smaller schools~~ Trends in educational delivery methods, 45163
including digital access and blended learning; 45164

(2) Provision of sufficient space for training new teachers 45165
and promotion of collaboration among teaching candidates, 45166
experienced teachers, and teacher educators; 45167

(3) Provision of adequate space for teacher planning and 45168
collaboration; 45169

(4) Provision of adequate space for parent involvement 45170
activities; 45171

(5) Provision of sufficient space for innovative partnerships 45172

between schools and health and social service agencies. 45173

Sec. 3318.08. Except in the case of a joint vocational school 45174
district that receives assistance under sections 3318.40 to 45175
3318.45 of the Revised Code, if the requisite favorable vote on 45176
the election is obtained, or if the school district board has 45177
resolved to apply the proceeds of a property tax levy or the 45178
proceeds of an income tax, or a combination of proceeds from such 45179
taxes, as authorized in section 3318.052 of the Revised Code, the 45180
Ohio school facilities commission, upon certification to it of 45181
either the results of the election or the resolution under section 45182
3318.052 of the Revised Code, shall enter into a written agreement 45183
with the school district board for the construction and sale of 45184
the project. In the case of a joint vocational school district 45185
that receives assistance under sections 3318.40 to 3318.45 of the 45186
Revised Code, if the school district board of education and the 45187
school district electors have satisfied the conditions prescribed 45188
in division (D)(1) of section 3318.41 of the Revised Code, the 45189
commission shall enter into an agreement with the school district 45190
board for the construction and sale of the project. In either 45191
case, the agreement shall include, but need not be limited to, the 45192
following provisions: 45193

(A) The sale and issuance of bonds or notes in anticipation 45194
thereof, as soon as practicable after the execution of the 45195
agreement, in an amount equal to the school district's portion of 45196
the basic project cost, including any securities authorized under 45197
division (J) of section 133.06 of the Revised Code and dedicated 45198
by the school district board to payment of the district's portion 45199
of the basic project cost of the project; provided, that if at 45200
that time the county treasurer of each county in which the school 45201
district is located has not commenced the collection of taxes on 45202
the general duplicate of real and public utility property for the 45203
year in which the controlling board approved the project, the 45204

school district board shall authorize the issuance of a first 45205
installment of bond anticipation notes in an amount specified by 45206
the agreement, which amount shall not exceed an amount necessary 45207
to raise the net bonded indebtedness of the school district as of 45208
the date of the controlling board's approval to within five 45209
thousand dollars of the required level of indebtedness for the 45210
preceding year. In the event that a first installment of bond 45211
anticipation notes is issued, the school district board shall, as 45212
soon as practicable after the county treasurer of each county in 45213
which the school district is located has commenced the collection 45214
of taxes on the general duplicate of real and public utility 45215
property for the year in which the controlling board approved the 45216
project, authorize the issuance of a second and final installment 45217
of bond anticipation notes or a first and final issue of bonds. 45218

The combined value of the first and second installment of 45219
bond anticipation notes or the value of the first and final issue 45220
of bonds shall be equal to the school district's portion of the 45221
basic project cost. The proceeds of any such bonds shall be used 45222
first to retire any bond anticipation notes. Otherwise, the 45223
proceeds of such bonds and of any bond anticipation notes, except 45224
the premium and accrued interest thereon, shall be deposited in 45225
the school district's project construction fund. In determining 45226
the amount of net bonded indebtedness for the purpose of fixing 45227
the amount of an issue of either bonds or bond anticipation notes, 45228
gross indebtedness shall be reduced by moneys in the bond 45229
retirement fund only to the extent of the moneys therein on the 45230
first day of the year preceding the year in which the controlling 45231
board approved the project. Should there be a decrease in the tax 45232
valuation of the school district so that the amount of 45233
indebtedness that can be incurred on the tax duplicates for the 45234
year in which the controlling board approved the project is less 45235
than the amount of the first installment of bond anticipation 45236
notes, there shall be paid from the school district's project 45237

construction fund to the school district's bond retirement fund to 45238
be applied against such notes an amount sufficient to cause the 45239
net bonded indebtedness of the school district, as of the first 45240
day of the year following the year in which the controlling board 45241
approved the project, to be within five thousand dollars of the 45242
required level of indebtedness for the year in which the 45243
controlling board approved the project. The maximum amount of 45244
indebtedness to be incurred by any school district board as its 45245
share of the cost of the project is either an amount that will 45246
cause its net bonded indebtedness, as of the first day of the year 45247
following the year in which the controlling board approved the 45248
project, to be within five thousand dollars of the required level 45249
of indebtedness, or an amount equal to the required percentage of 45250
the basic project costs, whichever is greater. All bonds and bond 45251
anticipation notes shall be issued in accordance with Chapter 133. 45252
of the Revised Code, and notes may be renewed as provided in 45253
section 133.22 of the Revised Code. 45254

(B) The transfer of such funds of the school district board 45255
available for the project, together with the proceeds of the sale 45256
of the bonds or notes, except premium, accrued interest, and 45257
interest included in the amount of the issue, to the school 45258
district's project construction fund; 45259

(C) For all school districts except joint vocational school 45260
districts that receive assistance under sections 3318.40 to 45261
3318.45 of the Revised Code, the following provisions as 45262
applicable: 45263

(1) If section 3318.052 of the Revised Code applies, the 45264
earmarking of the proceeds of a tax levied under section 5705.21 45265
of the Revised Code for general permanent improvements or under 45266
section 5705.218 of the Revised Code for the purpose of permanent 45267
improvements, or the proceeds of a school district income tax 45268
levied under Chapter 5748. of the Revised Code, or the proceeds 45269

from a combination of those two taxes, in an amount to pay all or 45270
part of the service charges on bonds issued to pay the school 45271
district portion of the project and an amount equivalent to all or 45272
part of the tax required under division (B) of section 3318.05 of 45273
the Revised Code; 45274

(2) If section 3318.052 of the Revised Code does not apply, 45275
one of the following: 45276

(a) The levy of the tax authorized at the election for the 45277
payment of maintenance costs, as specified in division (B) of 45278
section 3318.05 of the Revised Code; 45279

(b) If the school district electors have approved a 45280
continuing tax for general permanent improvements under section 45281
5705.21 of the Revised Code and that tax can be used for 45282
maintenance, the earmarking of an amount of the proceeds from such 45283
tax for maintenance of classroom facilities as specified in 45284
division (B) of section 3318.05 of the Revised Code; 45285

(c) If, in lieu of the tax otherwise required under division 45286
(B) of section 3318.05 of the Revised Code, the commission has 45287
approved the transfer of money to the maintenance fund in 45288
accordance with section 3318.051 of the Revised Code, a 45289
requirement that the district board comply with the provisions of 45290
that section. The district board may rescind the provision 45291
prescribed under division (C)(2)(c) of this section only so long 45292
as the electors of the district have approved, in accordance with 45293
section 3318.063 of the Revised Code, the levy of a tax for the 45294
maintenance of the classroom facilities acquired under the 45295
district's project and that levy continues to be collected as 45296
approved by the electors. 45297

(D) For joint vocational school districts that receive 45298
assistance under sections 3318.40 to 3318.45 of the Revised Code, 45299
provision for deposit of school district moneys dedicated to 45300

maintenance of the classroom facilities acquired under those 45301
sections as prescribed in section 3318.43 of the Revised Code; 45302

(E) Dedication of any local donated contribution as provided 45303
for under section 3318.084 of the Revised Code, including a 45304
schedule for depositing such moneys applied as an offset of the 45305
district's obligation to levy the tax described in division (B) of 45306
section 3318.05 of the Revised Code as required under division 45307
(D)(2) of section 3318.084 of the Revised Code; 45308

(F) Ownership of or interest in the project during the period 45309
of construction, which shall be divided between the commission and 45310
the school district board in proportion to their respective 45311
contributions to the school district's project construction fund; 45312

(G) Maintenance of the state's interest in the project until 45313
any obligations issued for the project under section 3318.26 of 45314
the Revised Code are no longer outstanding; 45315

(H) The insurance of the project by the school district from 45316
the time there is an insurable interest therein and so long as the 45317
state retains any ownership or interest in the project pursuant to 45318
division (F) of this section, in such amounts and against such 45319
risks as the commission shall require; provided, that the cost of 45320
any required insurance until the project is completed shall be a 45321
part of the basic project cost; 45322

(I) The certification by the director of budget and 45323
management that funds are available and have been set aside to 45324
meet the state's share of the basic project cost as approved by 45325
the controlling board pursuant to either section 3318.04 or 45326
division (B)(1) of section 3318.41 of the Revised Code; 45327

(J) Authorization of the school district board to advertise 45328
for and receive construction bids for the project, for and on 45329
behalf of the commission, and to award contracts in the name of 45330
the state subject to approval by the commission; 45331

(K) Provisions for the disbursement of moneys from the school 45332
district's project account upon issuance by the commission or the 45333
commission's designated representative of vouchers for work done 45334
to be certified to the commission by the treasurer of the school 45335
district board; 45336

(L) Disposal of any balance left in the school district's 45337
project construction fund upon completion of the project; 45338

(M) Limitations upon use of the project or any part of it so 45339
long as any obligations issued to finance the project under 45340
section 3318.26 of the Revised Code are outstanding; 45341

(N) Provision for vesting the state's interest in the project 45342
to the school district board when the obligations issued to 45343
finance the project under section 3318.26 of the Revised Code are 45344
outstanding; 45345

(O) Provision for deposit of an executed copy of the 45346
agreement in the office of the commission; 45347

(P) Provision for termination of the contract and release of 45348
the funds encumbered at the time of the conditional approval, if 45349
the proceeds of the sale of the bonds of the school district board 45350
are not paid into the school district's project construction fund 45351
and if bids for the construction of the project have not been 45352
taken within such period after the execution of the agreement as 45353
may be fixed by the commission; 45354

(Q) Provision for the school district to maintain the project 45355
in accordance with a plan approved by the commission; 45356

(R) Provision that all state funds reserved and encumbered to 45357
pay the state share of the cost of the project and the funds 45358
provided by the school district to pay for its share of the 45359
project cost, including the respective shares of the cost of a 45360
segment if the project is divided into segments, be spent on the 45361
construction and acquisition of the project or segment 45362

simultaneously in proportion to the state's and the school 45363
district's respective shares of that basic project cost as 45364
determined under section 3318.032 of the Revised Code or, if the 45365
district is a joint vocational school district, under section 45366
3318.42 of the Revised Code. However, if the school district 45367
certifies to the commission that expenditure by the school 45368
district is necessary to maintain the federal tax status or 45369
tax-exempt status of notes or bonds issued by the school district 45370
to pay for its share of the project cost or to comply with 45371
applicable temporary investment periods or spending exceptions to 45372
rebate as provided for under federal law in regard to those notes 45373
or bonds, the school district may commit to spend, or spend, a 45374
greater portion of the funds it provides during any specific 45375
period than would otherwise be required under this division. 45376

(S) A provision stipulating that the commission may prohibit 45377
the district from proceeding with any project if the commission 45378
determines that the site is not suitable for construction 45379
purposes. The commission may perform soil tests in its 45380
determination of whether a site is appropriate for construction 45381
purposes. 45382

(T) A provision stipulating that, unless otherwise authorized 45383
by the commission, any contingency reserve portion of the 45384
construction budget prescribed by the commission shall be used 45385
only to pay costs resulting from unforeseen job conditions, to 45386
comply with rulings regarding building and other codes, to pay 45387
costs related to design clarifications or corrections to contract 45388
documents, and to pay the costs of settlements or judgments 45389
related to the project as provided under section 3318.086 of the 45390
Revised Code; 45391

(U) ~~Provision~~ A provision stipulating that for continued 45392
release of project funds the school district board shall comply 45393
with ~~section~~ sections 3313.41 and 3313.411 of the Revised Code 45394

throughout the project and shall notify the department of 45395
education and the Ohio community school association when the board 45396
plans to dispose of facilities by sale under that section; 45397

(V) ~~Provision A~~ provision stipulating that the commission 45398
shall not approve a contract for demolition of a facility until 45399
the school district board has complied with ~~section~~ sections 45400
3313.41 and 3313.411 of the Revised Code relative to that 45401
facility, unless demolition of that facility is to clear a site 45402
for construction of a replacement facility included in the 45403
district's project; 45404

(W) A requirement for the school district to adhere to a 45405
facilities maintenance plan approved by the commission. 45406

Sec. 3318.31. (A) The Ohio school facilities commission may 45407
perform any act and ensure the performance of any function 45408
necessary or appropriate to carry out the purposes of, and 45409
exercise the powers granted under, Chapter 3318. of the Revised 45410
Code, including any of the following: 45411

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 45412
the Revised Code, rules for the administration of programs 45413
authorized under Chapter 3318. of the Revised Code. 45414

(2) Contract with, retain the services of, or designate, and 45415
fix the compensation of, such agents, accountants, consultants, 45416
advisers, and other independent contractors as may be necessary or 45417
desirable to carry out the programs authorized under Chapter 3318. 45418
of the Revised Code, or authorize the executive director to 45419
perform such powers and duties. 45420

(3) Receive and accept any gifts, grants, donations, and 45421
pledges, and receipts therefrom, to be used for the programs 45422
authorized under Chapter 3318. of the Revised Code. 45423

(4) Make and enter into all contracts, commitments, and 45424

agreements, and execute all instruments, necessary or incidental 45425
to the performance of its duties and the execution of its rights 45426
and powers under Chapter 3318. of the Revised Code, or authorize 45427
the executive director or the Ohio facilities construction 45428
commission to perform such powers and duties. 45429

(5) Request the Ohio facilities construction commission to 45430
debar a contractor as provided in section 153.02 of the Revised 45431
Code. 45432

(B) ~~The Ohio school facilities commission shall appoint and~~ 45433
~~fix the compensation of an~~ executive director who of the Ohio 45434
facilities construction commission, as appointed under division 45435
(B) of section 123.21 of the Revised Code, shall also serve at the 45436
~~pleasure of~~ as the executive director for the Ohio school 45437
facilities commission. The executive director shall exercise all 45438
powers that the Ohio school facilities commission possesses, 45439
supervise the operations of the Ohio school facilities commission 45440
and perform such other duties as delegated by the Ohio school 45441
facilities commission. The executive director also shall employ 45442
and fix the compensation of such employees as will facilitate the 45443
activities and purposes of the Ohio school facilities commission, 45444
who shall serve at the pleasure of the executive director. The 45445
employees of the Ohio school facilities commission shall be exempt 45446
from Chapter 4117. of the Revised Code and shall not be public 45447
employees as defined in section 4117.01 of the Revised Code. Any 45448
agreement entered into prior to July 1, 2012, between the office 45449
of collective bargaining and the exclusive representative for 45450
employees of the commission is binding and shall continue to have 45451
effect. 45452

(C) The attorney general shall serve as the legal 45453
representative for the Ohio school facilities commission and may 45454
appoint other counsel as necessary for that purpose in accordance 45455
with section 109.07 of the Revised Code. 45456

Sec. 3318.363. (A) This section applies beginning in fiscal 45457
year 2003 and only to a school district participating in the 45458
school building assistance expedited local partnership program 45459
under section 3318.36 of the Revised Code. 45460

(B) If there is a decrease in the tax valuation of a school 45461
district to which this section applies by ten per cent or greater 45462
from one tax year to the next due to a decrease in the assessment 45463
rate of the taxable property of an electric company that owns 45464
property in the district, as provided for in section 5727.111 of 45465
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 45466
General Assembly, the Ohio school facilities commission shall 45467
calculate or recalculate the state and school district portions of 45468
the basic project cost of the school district's project by 45469
determining the percentile rank in which the district would be 45470
located if such ranking were made using the adjusted valuation per 45471
pupil calculated under division (C) of this section rather than 45472
the three-year average adjusted valuation per pupil, calculated 45473
under division (B) of section 3318.011 of the Revised Code. For 45474
such district, the required percentage of the basic project cost 45475
used to determine the state and school district shares of that 45476
cost under division (C) of section 3318.36 of the Revised Code 45477
shall be based on the percentile rank as calculated under this 45478
section rather than as otherwise provided in division (C)(1) of 45479
section 3318.36 of the Revised Code. If the commission has 45480
determined the state and school district portion of the basic 45481
project cost of such a district's project under section 3318.36 of 45482
the Revised Code prior to that decrease in tax valuation, the 45483
commission shall adjust the state and school district shares of 45484
the basic project cost of such project in accordance with this 45485
section. 45486

(C)(1) As used in divisions (C) and (D) of this section, 45487
"total taxable value₇" and "formula ADM₇" and ~~"income factor"~~ have 45488

the same meanings as in section 3317.02 of the Revised Code, and 45489
"income factor" has the same meaning as in section 3318.011 of the 45490
Revised Code. 45491

(2) The adjusted valuation per pupil for a school district to 45492
which this section applies shall be calculated using the following 45493
formula: 45494

(The district's total taxable value for the tax year 45495
preceding the calendar year in which the current fiscal year 45496
begins / the district's formula ADM for the previous fiscal year) 45497
- [\$30,000 x (1 - the district's income factor)]. 45498

(D) At the request of the Ohio school facilities commission, 45499
the department of education shall report a district's total 45500
taxable value for the tax year preceding the calendar year in 45501
which the current fiscal year begins for any district to which 45502
this section applies as that information has been certified to the 45503
department by the tax commissioner pursuant to section 3317.021 of 45504
the Revised Code. 45505

Sec. 3319.031. Notwithstanding any provision of the Revised 45506
Code to the contrary, if the board of education of a city, local, 45507
or exempted village school district does not appoint a business 45508
manager under section 3319.03 of the Revised Code, the board may 45509
assign powers and duties specified in section 3319.04 of the 45510
Revised Code to one or more employees or officers of the board, 45511
including the treasurer, and may give the employees or officers 45512
any title recognizing the assignment of the powers and duties. The 45513
prohibition, in section 3319.04 of the Revised Code, against a 45514
business manager having possession of moneys does not prevent a 45515
board from assigning powers and duties specified in that section 45516
to the treasurer and does not prevent a treasurer who is assigned 45517
those powers and duties from exercising the powers and duties of 45518
treasurer. If the board assigns the duties of a business manager 45519

under section 3319.04 of the Revised Code to the treasurer, the 45520
treasurer shall not have the authority to make recommendations to 45521
appoint or discharge noneducational employees, except as provided 45522
under section 3313.31 of the Revised Code. Instead, the district 45523
superintendent shall be responsible for making recommendations, 45524
subject to confirmation by the board, for the appointment or 45525
discharge of noneducational employees. 45526

Sec. 3319.073. (A) The board of education of each city and 45527
exempted village school district and the governing board of each 45528
educational service center shall adopt or adapt the curriculum 45529
developed by the department of education for, or shall develop in 45530
consultation with public or private agencies or persons involved 45531
in child abuse prevention or intervention programs, a program of 45532
in-service training in the prevention of child abuse, violence, 45533
and substance abuse and the promotion of positive youth 45534
development. Each person employed by any school district or 45535
service center to work in a school as a nurse, teacher, counselor, 45536
school psychologist, or administrator shall complete at least four 45537
hours of the in-service training within two years of commencing 45538
employment with the district or center, and every five years 45539
thereafter. A person who is employed by any school district or 45540
service center to work in an elementary school as a nurse, 45541
teacher, counselor, school psychologist, or administrator on March 45542
30, 2007, shall complete at least four hours of the in-service 45543
training not later than March 30, 2009, and every five years 45544
thereafter. A person who is employed by any school district or 45545
service center to work in a middle or high school as a nurse, 45546
teacher, counselor, school psychologist, or administrator on 45547
October 16, 2009, shall complete at least four hours of the 45548
in-service training not later than October 16, 2011, and every 45549
five years thereafter. 45550

(B) Each board shall incorporate training in school safety 45551
and violence prevention, including human trafficking content, into 45552
the in-service training required by division (A) of this section. 45553
For this purpose, the board shall adopt or adapt the curriculum 45554
developed by the department or shall develop its own curriculum in 45555
consultation with public or private agencies or persons involved 45556
in school safety and violence prevention programs. 45557

(C) Each board shall incorporate training on the board's 45558
harassment, intimidation, or bullying policy adopted under section 45559
3313.666 of the Revised Code into the in-service training required 45560
by division (A) of this section. Each board also shall incorporate 45561
training in the prevention of dating violence into the in-service 45562
training required by that division for middle and high school 45563
employees. The board shall develop its own curricula for these 45564
purposes. 45565

(D) Each board shall incorporate training in youth suicide 45566
awareness and prevention into the in-service training required by 45567
division (A) of this section for each person employed by a school 45568
district or service center to work in a school as a nurse, 45569
teacher, counselor, school psychologist, or administrator, and any 45570
other personnel that the board determines appropriate. For this 45571
purpose, the board shall adopt or adapt the curriculum developed 45572
by the department or shall develop its own curriculum in 45573
consultation with public or private agencies or persons involved 45574
in youth suicide awareness and prevention programs. 45575

The training completed under this division shall count toward 45576
the satisfaction of requirements for professional development 45577
required by the school district or service center board, and the 45578
training may be accomplished through self-review of suitable 45579
suicide prevention materials approved by the board. 45580

Sec. 3319.17. (A) As used in this section, "interdistrict 45581

contract" means any contract or agreement entered into by an 45582
educational service center governing board and another board or 45583
other public entity pursuant to section 3313.17, 3313.841, 45584
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 45585
Revised Code, including any such contract or agreement for the 45586
provision of services funded under division (E) of section 45587
3317.024 of the Revised Code ~~or provided in any unit approved~~ 45588
~~under section 3317.05 of the Revised Code.~~ 45589

(B) When, for any of the following reasons that apply to any 45590
city, exempted village, local, or joint vocational school district 45591
or any educational service center, the board decides that it will 45592
be necessary to reduce the number of teachers it employs, it may 45593
make a reasonable reduction: 45594

(1) In the case of any district or service center, return to 45595
duty of regular teachers after leaves of absence including 45596
suspension of schools, territorial changes affecting the district 45597
or center, or financial reasons; 45598

(2) In the case of any city, exempted village, local, or 45599
joint vocational school district, decreased enrollment of pupils 45600
in the district; 45601

(3) In the case of any governing board of a service center 45602
providing any particular service directly to pupils pursuant to 45603
one or more interdistrict contracts requiring such service, 45604
reduction in the total number of pupils the governing board is 45605
required to provide with the service under all interdistrict 45606
contracts as a result of the termination or nonrenewal of one or 45607
more of these interdistrict contracts; 45608

(4) In the case of any governing board providing any 45609
particular service that it does not provide directly to pupils 45610
pursuant to one or more interdistrict contracts requiring such 45611
service, reduction in the total level of the service the governing 45612

board is required to provide under all interdistrict contracts as 45613
a result of the termination or nonrenewal of one or more of these 45614
interdistrict contracts. 45615

(C) In making any such reduction, any city, exempted village, 45616
local, or joint vocational school board shall proceed to suspend 45617
contracts in accordance with the recommendation of the 45618
superintendent of schools who shall, within each teaching field 45619
affected, give preference to teachers on continuing contracts. The 45620
board shall not give preference to any teacher based on seniority, 45621
except when making a decision between teachers who have comparable 45622
evaluations. 45623

On a case-by-case basis, in lieu of suspending a contract in 45624
whole, a board may suspend a contract in part, so that an 45625
individual is required to work a percentage of the time the 45626
employee otherwise is required to work under the contract and 45627
receives a commensurate percentage of the full compensation the 45628
employee otherwise would receive under the contract. 45629

The teachers whose continuing contracts are suspended by any 45630
board pursuant to this section shall have the right of restoration 45631
to continuing service status by that board if and when teaching 45632
positions become vacant or are created for which any of such 45633
teachers are or become qualified. No teacher whose continuing 45634
contract has been suspended pursuant to this section shall lose 45635
that right of restoration to continuing service status by reason 45636
of having declined recall to a position that is less than 45637
full-time or, if the teacher was not employed full-time just prior 45638
to suspension of the teacher's continuing contract, to a position 45639
requiring a lesser percentage of full-time employment than the 45640
position the teacher last held while employed in the district or 45641
service center. Seniority shall not be the basis for rehiring a 45642
teacher, except when making a decision between teachers who have 45643
comparable evaluations. 45644

(D) Notwithstanding any provision to the contrary in Chapter 45645
4117. of the Revised Code: 45646

(1) The requirements of this section, as it existed prior to 45647
~~the effective date of this amendment~~ September 29, 2011, prevail 45648
over any conflicting provisions of agreements between employee 45649
organizations and public employers entered into between September 45650
29, 2005, and ~~that effective date~~ September 29, 2011; 45651

(2) The requirements of this section, as it exists on and 45652
~~after the effective date of this amendment~~ September 29, 2011, 45653
prevail over any conflicting provisions of agreements between 45654
employee organizations and public employers entered into on or 45655
after ~~that effective date~~ September 29, 2011. 45656

Sec. 3319.22. (A)(1) The state board of education shall issue 45657
the following educator licenses: 45658

(a) A resident educator license, which shall be valid for 45659
four years, except that the state board, on a case-by-case basis, 45660
may extend the license's duration as necessary to enable the 45661
license holder to complete the Ohio teacher residency program 45662
established under section 3319.223 of the Revised Code; 45663

(b) A professional educator license, which shall be valid for 45664
five years and shall be renewable; 45665

(c) A senior professional educator license, which shall be 45666
valid for five years and shall be renewable; 45667

(d) A lead professional educator license, which shall be 45668
valid for five years and shall be renewable. 45669

(2) The state board may issue any additional educator 45670
licenses of categories, types, and levels the board elects to 45671
provide. 45672

(3) The state board shall adopt rules establishing the 45673
standards and requirements for obtaining each educator license 45674

issued under this section. 45675

(B) The rules adopted under this section shall require at 45676
least the following standards and qualifications for the educator 45677
licenses described in division (A)(1) of this section: 45678

(1) An applicant for a resident educator license shall hold 45679
at least a bachelor's degree from an accredited teacher 45680
preparation program or be a participant in the teach for America 45681
program and meet the qualifications required under section 45682
3319.227 of the Revised Code. 45683

(2) An applicant for a professional educator license shall: 45684

(a) Hold at least a bachelor's degree from an institution of 45685
higher education accredited by a regional accrediting 45686
organization; 45687

(b) Have successfully completed the Ohio teacher residency 45688
program established under section 3319.223 of the Revised Code, if 45689
the applicant's current or most recently issued license is a 45690
resident educator license issued under this section or an 45691
alternative resident educator license issued under section 3319.26 45692
of the Revised Code. 45693

(3) An applicant for a senior professional educator license 45694
shall: 45695

(a) Hold at least a master's degree from an institution of 45696
higher education accredited by a regional accrediting 45697
organization; 45698

(b) Have previously held a professional educator license 45699
issued under this section or section 3319.222 or under former 45700
section 3319.22 of the Revised Code; 45701

(c) Meet the criteria for the accomplished or distinguished 45702
level of performance, as described in the standards for teachers 45703
adopted by the state board under section 3319.61 of the Revised 45704

Code. 45705

(4) An applicant for a lead professional educator license 45706
shall: 45707

(a) Hold at least a master's degree from an institution of 45708
higher education accredited by a regional accrediting 45709
organization; 45710

(b) Have previously held a professional educator license or a 45711
senior professional educator license issued under this section or 45712
a professional educator license issued under section 3319.222 or 45713
former section 3319.22 of the Revised Code; 45714

(c) Meet the criteria for the distinguished level of 45715
performance, as described in the standards for teachers adopted by 45716
the state board under section 3319.61 of the Revised Code; 45717

(d) Either hold a valid certificate issued by the national 45718
board for professional teaching standards or meet the criteria for 45719
a master teacher or other criteria for a lead teacher adopted by 45720
the educator standards board under division (F)(4) or (5) of 45721
section 3319.61 of the Revised Code. 45722

(C) The state board shall align the standards and 45723
qualifications for obtaining a principal license with the 45724
standards for principals adopted by the state board under section 45725
3319.61 of the Revised Code. 45726

(D) If the state board requires any examinations for educator 45727
licensure, the department of education shall provide the results 45728
of such examinations received by the department to the chancellor 45729
of the Ohio board of regents, in the manner and to the extent 45730
permitted by state and federal law. 45731

(E) Any rules the state board of education adopts, amends, or 45732
rescinds for educator licenses under this section, division (D) of 45733
section 3301.07 of the Revised Code, or any other law shall be 45734

adopted, amended, or rescinded under Chapter 119. of the Revised 45735
Code except as follows: 45736

(1) Notwithstanding division (D) of section 119.03 and 45737
division (A)(1) of section 119.04 of the Revised Code, in the case 45738
of the adoption of any rule or the amendment or rescission of any 45739
rule that necessitates institutions' offering preparation programs 45740
for educators and other school personnel that are approved by the 45741
chancellor of the Ohio board of regents under section 3333.048 of 45742
the Revised Code to revise the curriculum of those programs, the 45743
effective date shall not be as prescribed in division (D) of 45744
section 119.03 and division (A)(1) of section 119.04 of the 45745
Revised Code. Instead, the effective date of such rules, or the 45746
amendment or rescission of such rules, shall be the date 45747
prescribed by section 3333.048 of the Revised Code. 45748

(2) Notwithstanding the authority to adopt, amend, or rescind 45749
emergency rules in division (F) of section 119.03 of the Revised 45750
Code, this authority shall not apply to the state board of 45751
education with regard to rules for educator licenses. 45752

(F)(1) The rules adopted under this section establishing 45753
standards requiring additional coursework for the renewal of any 45754
educator license shall require a school district and a chartered 45755
nonpublic school to establish local professional development 45756
committees. In a nonpublic school, the chief administrative 45757
officer shall establish the committees in any manner acceptable to 45758
such officer. The committees established under this division shall 45759
determine whether coursework that a district or chartered 45760
nonpublic school teacher proposes to complete meets the 45761
requirement of the rules. The department of education shall 45762
provide technical assistance and support to committees as the 45763
committees incorporate the professional development standards 45764
adopted by the state board of education pursuant to section 45765
3319.61 of the Revised Code into their review of coursework that 45766

is appropriate for license renewal. The rules shall establish a 45767
procedure by which a teacher may appeal the decision of a local 45768
professional development committee. 45769

(2) In any school district in which there is no exclusive 45770
representative established under Chapter 4117. of the Revised 45771
Code, the professional development committees shall be established 45772
as described in division (F)(2) of this section. 45773

Not later than the effective date of the rules adopted under 45774
this section, the board of education of each school district shall 45775
establish the structure for one or more local professional 45776
development committees to be operated by such school district. The 45777
committee structure so established by a district board shall 45778
remain in effect unless within thirty days prior to an anniversary 45779
of the date upon which the current committee structure was 45780
established, the board provides notice to all affected district 45781
employees that the committee structure is to be modified. 45782
Professional development committees may have a district-level or 45783
building-level scope of operations, and may be established with 45784
regard to particular grade or age levels for which an educator 45785
license is designated. 45786

Each professional development committee shall consist of at 45787
least three classroom teachers employed by the district, one 45788
principal employed by the district, and one other employee of the 45789
district appointed by the district superintendent. For committees 45790
with a building-level scope, the teacher and principal members 45791
shall be assigned to that building, and the teacher members shall 45792
be elected by majority vote of the classroom teachers assigned to 45793
that building. For committees with a district-level scope, the 45794
teacher members shall be elected by majority vote of the classroom 45795
teachers of the district, and the principal member shall be 45796
elected by a majority vote of the principals of the district, 45797
unless there are two or fewer principals employed by the district, 45798

in which case the one or two principals employed shall serve on 45799
the committee. If a committee has a particular grade or age level 45800
scope, the teacher members shall be licensed to teach such grade 45801
or age levels, and shall be elected by majority vote of the 45802
classroom teachers holding such a license and the principal shall 45803
be elected by all principals serving in buildings where any such 45804
teachers serve. The district superintendent shall appoint a 45805
replacement to fill any vacancy that occurs on a professional 45806
development committee, except in the case of vacancies among the 45807
elected classroom teacher members, which shall be filled by vote 45808
of the remaining members of the committee so selected. 45809

Terms of office on professional development committees shall 45810
be prescribed by the district board establishing the committees. 45811
The conduct of elections for members of professional development 45812
committees shall be prescribed by the district board establishing 45813
the committees. A professional development committee may include 45814
additional members, except that the majority of members on each 45815
such committee shall be classroom teachers employed by the 45816
district. Any member appointed to fill a vacancy occurring prior 45817
to the expiration date of the term for which a predecessor was 45818
appointed shall hold office as a member for the remainder of that 45819
term. 45820

The initial meeting of any professional development 45821
committee, upon election and appointment of all committee members, 45822
shall be called by a member designated by the district 45823
superintendent. At this initial meeting, the committee shall 45824
select a chairperson and such other officers the committee deems 45825
necessary, and shall adopt rules for the conduct of its meetings. 45826
Thereafter, the committee shall meet at the call of the 45827
chairperson or upon the filing of a petition with the district 45828
superintendent signed by a majority of the committee members 45829
calling for the committee to meet. 45830

(3) In the case of a school district in which an exclusive
representative has been established pursuant to Chapter 4117. of
the Revised Code, professional development committees shall be
established in accordance with any collective bargaining agreement
in effect in the district that includes provisions for such
committees.

If the collective bargaining agreement does not specify a
different method for the selection of teacher members of the
committees, the exclusive representative of the district's
teachers shall select the teacher members.

If the collective bargaining agreement does not specify a
different structure for the committees, the board of education of
the school district shall establish the structure, including the
number of committees and the number of teacher and administrative
members on each committee; the specific administrative members to
be part of each committee; whether the scope of the committees
will be district levels, building levels, or by type of grade or
age levels for which educator licenses are designated; the lengths
of terms for members; the manner of filling vacancies on the
committees; and the frequency and time and place of meetings.
However, in all cases, except as provided in division (F)(4) of
this section, there shall be a majority of teacher members of any
professional development committee, there shall be at least five
total members of any professional development committee, and the
exclusive representative shall designate replacement members in
the case of vacancies among teacher members, unless the collective
bargaining agreement specifies a different method of selecting
such replacements.

(4) Whenever an administrator's coursework plan is being
discussed or voted upon, the local professional development
committee shall, at the request of one of its administrative
members, cause a majority of the committee to consist of

administrative members by reducing the number of teacher members 45863
voting on the plan. 45864

(G)(1) The department of education, educational service 45865
centers, county boards of developmental disabilities, regional 45866
professional development centers, special education regional 45867
resource centers, college and university departments of education, 45868
head start programs, ~~the eTech Ohio commission~~, and the Ohio 45869
education computer network may establish local professional 45870
development committees to determine whether the coursework 45871
proposed by their employees who are licensed or certificated under 45872
this section or section 3319.222 of the Revised Code, or under the 45873
former version of either section as it existed prior to October 45874
16, 2009, meet the requirements of the rules adopted under this 45875
section. They may establish local professional development 45876
committees on their own or in collaboration with a school district 45877
or other agency having authority to establish them. 45878

Local professional development committees established by 45879
county boards of developmental disabilities shall be structured in 45880
a manner comparable to the structures prescribed for school 45881
districts in divisions (F)(2) and (3) of this section, as shall 45882
the committees established by any other entity specified in 45883
division (G)(1) of this section that provides educational services 45884
by employing or contracting for services of classroom teachers 45885
licensed or certificated under this section or section 3319.222 of 45886
the Revised Code, or under the former version of either section as 45887
it existed prior to October 16, 2009. All other entities specified 45888
in division (G)(1) of this section shall structure their 45889
committees in accordance with guidelines which shall be issued by 45890
the state board. 45891

(2) Any public agency that is not specified in division 45892
(G)(1) of this section but provides educational services and 45893
employs or contracts for services of classroom teachers licensed 45894

or certificated under this section or section 3319.222 of the 45895
Revised Code, or under the former version of either section as it 45896
existed prior to October 16, 2009, may establish a local 45897
professional development committee, subject to the approval of the 45898
department of education. The committee shall be structured in 45899
accordance with guidelines issued by the state board. 45900

Sec. 3319.235. (A) The standards for the preparation of 45901
teachers adopted under section 3333.048 of the Revised Code shall 45902
require any institution that provides a course of study for the 45903
training of teachers to ensure that graduates of such course of 45904
study are skilled at integrating educational technology in the 45905
instruction of children, as evidenced by the graduate having 45906
either demonstrated proficiency in such skills in a manner 45907
prescribed by the department of education or completed a course 45908
that includes training in such skills. 45909

(B) ~~The eTech Ohio commission~~ chancellor of the Ohio board of 45910
regents, in consultation with the department of education, shall 45911
establish model professional development programs to assist 45912
teachers who completed their teacher preparation prior to the 45913
effective date of division (A) of this section to become skilled 45914
at integrating educational technology in the instruction of 45915
children. ~~The commission~~ chancellor shall provide technical 45916
assistance to school districts wishing to establish such programs. 45917

Sec. 3319.57. (A) A grant program is hereby established under 45918
which the department of education shall award grants to assist 45919
certain schools in a city, exempted village, local, or joint 45920
vocational school district in implementing one of the following 45921
innovations: 45922

(1) The use of instructional specialists to mentor and 45923
support classroom teachers; 45924

- (2) The use of building managers to supervise the 45925
administrative functions of school operation so that a school 45926
principal can focus on supporting instruction, providing 45927
instructional leadership, and engaging teachers as part of the 45928
instructional leadership team; 45929
- (3) The reconfiguration of school leadership structure in a 45930
manner that allows teachers to serve in leadership roles so that 45931
teachers may share the responsibility for making and implementing 45932
school decisions; 45933
- (4) The adoption of new models for restructuring the school 45934
day or school year, such as including teacher planning and 45935
collaboration time as part of the school day; 45936
- (5) The creation of smaller schools or smaller units within 45937
larger schools for the purpose of facilitating teacher 45938
collaboration to improve and advance the professional practice of 45939
teaching; 45940
- (6) The implementation of "grow your own" recruitment 45941
strategies that are designed to assist individuals who show a 45942
commitment to education become licensed teachers, to assist 45943
experienced teachers obtain licensure in subject areas for which 45944
there is need, and to assist teachers in becoming principals; 45945
- (7) The provision of better conditions for new teachers, such 45946
as reduced teaching load and reduced class size; 45947
- (8) The provision of incentives to attract qualified 45948
mathematics, science, or special education teachers; 45949
- (9) The development and implementation of a partnership with 45950
teacher preparation programs at colleges and universities to help 45951
attract teachers qualified to teach in shortage areas; 45952
- (10) The implementation of a program to increase the cultural 45953
competency of both new and veteran teachers; 45954

(11) The implementation of a program to increase the subject matter competency of veteran teachers. 45955
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(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 45957
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(1) Be hard to staff, as defined by the department. 45960

(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share percentage index for the fiscal year in which the grant is awarded). 45961
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For purposes of division (B)(2) of this section, "state share percentage index" has the same meaning as in section 3317.02 of the Revised Code. 45965
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(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section. 45968
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(D) The state board of education shall adopt rules for the administration of this grant program. 45972
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Sec. 3321.01. (A)(1) As used in this chapter, "parent," "guardian," or "other person having charge or care of a child" means either parent unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. If the child is in the legal or permanent custody of a person or government agency, "parent" means that person or government agency. When a child is a resident of a home, as defined in section 3313.64 of the Revised Code, and the child's parent is not a resident of this state, "parent," "guardian," or "other person having charge or care of a child" means the head of 45974
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the home. 45985

A child between six and eighteen years of age is "of 45986
compulsory school age" for the purpose of sections 3321.01 to 45987
3321.13 of the Revised Code. A child under six years of age who 45988
has been enrolled in kindergarten also shall be considered "of 45989
compulsory school age" for the purpose of sections 3321.01 to 45990
3321.13 of the Revised Code unless at any time the child's parent 45991
or guardian, at the parent's or guardian's discretion and in 45992
consultation with the child's teacher and principal, formally 45993
withdraws the child from kindergarten. The compulsory school age 45994
of a child shall not commence until the beginning of the term of 45995
such schools, or other time in the school year fixed by the rules 45996
of the board of the district in which the child resides. 45997

(2) No child shall be admitted to a kindergarten or a first 45998
grade of a public school in a district in which all children are 45999
admitted to kindergarten and the first grade in August or 46000
September unless the child is five or six years of age, 46001
respectively, by the thirtieth day of September of the year of 46002
admittance, or by the first day of a term or semester other than 46003
one beginning in August or September in school districts granting 46004
admittance at the beginning of such term or semester, unless the 46005
child has been recommended for early admittance in accordance with 46006
the district's acceleration policy adopted under section 3324.10 46007
of the Revised Code. A child who does not meet the age requirement 46008
for admittance to kindergarten or first grade shall be evaluated 46009
for early admittance upon referral by the child's parent or 46010
guardian, an educator employed by the district, a preschool 46011
educator who knows the child, or a pediatrician or psychologist 46012
who knows the child. 46013

(3) Notwithstanding division (A)(2) of this section, 46014
beginning with the school year that starts in 2001 and continuing 46015
thereafter the board of education of any district may adopt a 46016

resolution establishing the first day of August in lieu of the 46017
thirtieth day of September as the required date by which students 46018
must have attained the age specified in that division. 46019

(4) After a student has been admitted to kindergarten in a 46020
school district or chartered nonpublic school, no board of 46021
education of a school district to which the student transfers 46022
shall deny that student admission based on the student's age. 46023

(B) As used in division (C) of this section, "successfully 46024
completed kindergarten" means that the child has completed the 46025
kindergarten requirements at one of the following: 46026

(1) A public or chartered nonpublic school; 46027

(2) A kindergarten class that is both of the following: 46028

(a) Offered by a day-care provider licensed under Chapter 46029
5104. of the Revised Code; 46030

(b) If offered after July 1, 1991, is directly taught by a 46031
teacher who holds one of the following: 46032

(i) A valid educator license issued under section 3319.22 of 46033
the Revised Code; 46034

(ii) A Montessori preprimary credential or age-appropriate 46035
diploma granted by the American Montessori society or the 46036
association Montessori internationale; 46037

(iii) Certification determined under division (F) of this 46038
section to be equivalent to that described in division 46039
(B)(2)(b)(ii) of this section; 46040

(iv) Certification for teachers in nontax-supported schools 46041
pursuant to section 3301.071 of the Revised Code. 46042

(C) Except as provided in division (A)(2) of this section, no 46043
school district shall admit to the first grade any child who has 46044
not successfully completed kindergarten. 46045

(D) The scheduling of times for kindergarten classes and 46046
length of the school day for kindergarten shall be determined by 46047
the board of education of a city, exempted village, or local 46048
school district. 46049

(E) Any kindergarten class offered by a day-care provider or 46050
school described by division (B)(1) or (B)(2)(a) of this section 46051
shall be developmentally appropriate. 46052

(F) Upon written request of a day-care provider described by 46053
division (B)(2)(a) of this section, the department of education 46054
shall determine whether certification held by a teacher employed 46055
by the provider meets the requirement of division (B)(2)(b)(iii) 46056
of this section and, if so, shall furnish the provider a statement 46057
to that effect. 46058

(G) As used in this division, "all-day kindergarten" has the 46059
same meaning as in section 3321.05 of the Revised Code. 46060

(1) Any school district that did not receive for fiscal year 46061
2009 poverty-based assistance for all-day kindergarten under 46062
division (D) of former section 3317.029 of the Revised Code may 46063
charge fees or tuition for students enrolled in all-day 46064
kindergarten. If a district charges fees or tuition for all-day 46065
kindergarten under this division, the district shall develop a 46066
sliding fee scale based on family incomes. 46067

(2) The department of education shall conduct an annual 46068
survey of each school district described in division (G)(1) of 46069
this section to determine the following: 46070

(a) Whether the district charges fees or tuition for students 46071
enrolled in all-day kindergarten; 46072

(b) The amount of the fees or tuition charged; 46073

(c) How many of the students for whom tuition is charged are 46074
eligible for free lunches under the "National School Lunch Act," 46075

60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.

Each district shall report to the department, in the manner prescribed by the department, the information described in divisions (G)(2)(a) to (d) of this section.

The department shall issue an annual report on the results of the survey and shall post the report on its web site. The department shall issue the first report not later than April 30, 2008, and shall issue a report not later than the thirtieth day of April each year thereafter.

Sec. 3321.04. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section does not apply to any joint vocational or cooperative education school district or its superintendent.

Every parent of any child of compulsory school age who is not employed under an age and schooling certificate must send such child to a school or a special education program that conforms to the minimum standards prescribed by the state board of education, for the full time the school or program attended is in session, which shall not be for less than thirty-two weeks per school year. Such attendance must begin within the first week of the school term or program or within one week of the date on which the child begins to reside in the district or within one week after ~~his~~ the child's withdrawal from employment.

For the purpose of operating a school or program on a trimester plan, "full time the school attended is in session," as

used in this section means the two trimesters to which the child
is assigned by the board of education. For the purpose of
operating a school or program on a quarterly plan, "full time the
school attended is in session," as used in this section, means the
three quarters to which the child is assigned by the board of
education. For the purpose of operating a school or program on a
pentamester plan, "full time the school is in session," as used in
this section, means the four pentamesters to which the child is
assigned by the board of education.

Excuses from future attendance at or past absence from school
or a special education program may be granted for the causes, by
the authorities, and under the following conditions:

(A) The superintendent of the ~~city or exempted village~~ school
district ~~or the educational service center~~ in which the child
resides may excuse the child from attendance for any part of the
remainder of the current school year upon satisfactory showing of
either of the following facts:

(1) That the child's bodily or mental condition does not
permit attendance at school or a special education program during
such period; this fact is certified in writing by a licensed
physician or, in the case of a mental condition, by a licensed
physician, a licensed psychologist, licensed school psychologist
or a certificated school psychologist; and provision is made for
appropriate instruction of the child, in accordance with Chapter
3323. of the Revised Code;

(2) That the child is being instructed at home by a person
qualified to teach the branches in which instruction is required,
and such additional branches, as the advancement and needs of the
child may, in the opinion of such superintendent, require. In each
such case the issuing superintendent shall file in ~~his~~ the
superintendent's office, with a copy of the excuse, papers showing
how the inability of the child to attend school or a special

education program or the qualifications of the person instructing 46138
the child at home were determined. All such excuses shall become 46139
void and subject to recall upon the removal of the disability of 46140
the child or the cessation of proper home instruction; and 46141
thereupon the child or the child's parents may be proceeded 46142
against after due notice whether such excuse be recalled or not. 46143

(B) The state board of education may adopt rules authorizing 46144
the superintendent of schools of the district in which the child 46145
resides to excuse a child over fourteen years of age from 46146
attendance for a future limited period for the purpose of 46147
performing necessary work directly and exclusively for the child's 46148
parents or legal guardians. 46149

All excuses provided for in divisions (A) and (B) of this 46150
section shall be in writing and shall show the reason for excusing 46151
the child. A copy thereof shall be sent to the person in charge of 46152
the child. 46153

(C) The board of education of the ~~city or exempted village~~ 46154
~~school district or the governing board of the educational service~~ 46155
~~center in which a public school is located~~ or the governing 46156
authorities of a private or parochial school may in the rules 46157
governing the discipline in such schools, prescribe the authority 46158
by which and the manner in which any child may be excused for 46159
absence from such school for good and sufficient reasons. 46160

The state board of education may by rule prescribe conditions 46161
governing the issuance of excuses, which shall be binding upon the 46162
authorities empowered to issue them. 46163

Sec. 3321.05. (A) As used in this section, "all-day 46164
kindergarten" means a kindergarten class that is in session ~~five~~ 46165
~~days per week~~ for not less than the same number of clock hours 46166
each ~~day~~ week as for students in grades one through six. 46167

(B) Any school district may operate all-day kindergarten or extended kindergarten, but no district shall require any student to attend kindergarten for more than the number of clock hours required each day for traditional kindergarten by the minimum standards adopted under division (D) of section 3301.07 of the Revised Code. Each school district that operates all-day or extended kindergarten shall accommodate kindergarten students whose parents or guardians elect to enroll them for the minimum number of hours.

(C) A school district may use space in child day-care centers licensed under Chapter 5104. of the Revised Code to provide all-day kindergarten under this section.

Sec. 3321.13. (A) Whenever any child of compulsory school age withdraws from school the teacher of that child shall ascertain the reason for withdrawal. The fact of the withdrawal and the reason for it shall be immediately transmitted by the teacher to the superintendent ~~of schools~~ of the city, local, or exempted village school district ~~or the educational service center as the case may be~~. If the child who has withdrawn from school has done so because of change of residence, the next residence shall be ascertained and shall be included in the notice thus transmitted. The superintendent shall thereupon forward a card showing the essential facts regarding the child and stating the place of the child's new residence to the superintendent of schools of the district to which the child has moved.

The superintendent of public instruction may prescribe the forms to be used in the operation of this division.

(B)(1) Upon receipt of information that a child of compulsory school age has withdrawn from school for a reason other than because of change of residence and is not enrolled in and attending in accordance with school policy an approved program to

obtain a diploma or its equivalent, the superintendent shall 46199
notify the registrar of motor vehicles and the juvenile judge of 46200
the county in which the district is located of the withdrawal and 46201
failure to enroll in and attend an approved program to obtain a 46202
diploma or its equivalent. A notification to the registrar 46203
required by this division shall be given in the manner the 46204
registrar by rule requires and a notification to the juvenile 46205
judge required by this division shall be given in writing. Each 46206
notification shall be given within two weeks after the withdrawal 46207
and failure to enroll in and attend an approved program or its 46208
equivalent. 46209

(2) The board of education of a school district may adopt a 46210
resolution providing that the provisions of division (B)(2) of 46211
this section apply within the district. The provisions of division 46212
(B)(2) of this section do not apply within any school district, 46213
and no superintendent of a school district shall send a 46214
notification of the type described in division (B)(2) of this 46215
section to the registrar of motor vehicles or the juvenile judge 46216
of the county in which the district is located, unless the board 46217
of education of the district has adopted such a resolution. If the 46218
board of education of a school district adopts a resolution 46219
providing that the provisions of division (B)(2) of this section 46220
apply within the district, and if the superintendent of schools of 46221
that district receives information that, during any semester or 46222
term, a child of compulsory school age has been absent without 46223
legitimate excuse from the school the child is supposed to attend 46224
for more than ten consecutive school days or for at least fifteen 46225
total school days, the superintendent shall notify the child and 46226
the child's parent, guardian, or custodian, in writing, that the 46227
information has been provided to the superintendent, that as a 46228
result of that information the child's temporary instruction 46229
permit or driver's license will be suspended or the opportunity to 46230
obtain such a permit or license will be denied, and that the child 46231

and the child's parent, guardian, or custodian may appear in 46232
person at a scheduled date, time, and place before the 46233
superintendent or a designee to challenge the information provided 46234
to the superintendent. 46235

The notification to the child and the child's parent, 46236
guardian, or custodian required by division (B)(2) of this section 46237
shall set forth the information received by the superintendent and 46238
shall inform the child and the child's parent, guardian, or 46239
custodian of the scheduled date, time, and place of the appearance 46240
that they may have before the superintendent or a designee. The 46241
date scheduled for the appearance shall be no earlier than three 46242
and no later than five days after the notification is given, 46243
provided that an extension may be granted upon request of the 46244
child or the child's parent, guardian, or custodian. If an 46245
extension is granted, the superintendent shall schedule a new 46246
date, time, and place for the appearance and shall inform the 46247
child and the child's parent, guardian, or custodian of the new 46248
date, time, and place. 46249

If the child and the child's parent, guardian, or custodian 46250
do not appear before the superintendent or a designee on the 46251
scheduled date and at the scheduled time and place, or if the 46252
child and the child's parent, guardian, or custodian appear before 46253
the superintendent or a designee on the scheduled date and at the 46254
scheduled time and place but the superintendent or a designee 46255
determines that the information the superintendent received 46256
indicating that, during the semester or term, the child had been 46257
absent without legitimate excuse from the school the child was 46258
supposed to attend for more than ten consecutive school days or 46259
for at least fifteen total school days, the superintendent shall 46260
notify the registrar of motor vehicles and the juvenile judge of 46261
the county in which the district is located that the child has 46262
been absent for that period of time and that the child does not 46263

have any legitimate excuse for the habitual absence. A 46264
notification to the registrar required by this division shall be 46265
given in the manner the registrar by rule requires and a 46266
notification to the juvenile judge required by this division shall 46267
be given in writing. Each notification shall be given within two 46268
weeks after the receipt of the information of the habitual absence 46269
from school without legitimate excuse, or, if the child and the 46270
child's parent, guardian, or custodian appear before the 46271
superintendent or a designee to challenge the information, within 46272
two weeks after the appearance. 46273

For purposes of division (B)(2) of this section, a legitimate 46274
excuse for absence from school includes, but is not limited to, 46275
the fact that the child in question has enrolled in another school 46276
or school district in this or another state, the fact that the 46277
child in question was excused from attendance for any of the 46278
reasons specified in section 3321.04 of the Revised Code, or the 46279
fact that the child in question has received an age and schooling 46280
certificate in accordance with section 3331.01 of the Revised 46281
Code. 46282

(3) Whenever a pupil is suspended or expelled from school 46283
pursuant to section 3313.66 of the Revised Code and the reason for 46284
the suspension or expulsion is the use or possession of alcohol, a 46285
drug of abuse, or alcohol and a drug of abuse, the superintendent 46286
of schools of that district may notify the registrar and the 46287
juvenile judge of the county in which the district is located of 46288
such suspension or expulsion. Any such notification of suspension 46289
or expulsion shall be given to the registrar, in the manner the 46290
registrar by rule requires and shall be given to the juvenile 46291
judge in writing. The notifications shall be given within two 46292
weeks after the suspension or expulsion. 46293

(4) Whenever a pupil is suspended, expelled, removed, or 46294
permanently excluded from a school for misconduct included in a 46295

policy that the board of education of a city, exempted village, or 46296
local school district has adopted under division (A) of section 46297
3313.661 of the Revised Code, and the misconduct involves a 46298
firearm or a knife or other weapon as defined in that policy, the 46299
superintendent of schools of that district shall notify the 46300
registrar and the juvenile judge of the county in which the 46301
district is located of the suspension, expulsion, removal, or 46302
permanent exclusion. The notification shall be given to the 46303
registrar in the manner the registrar, by rule, requires and shall 46304
be given to the juvenile judge in writing. The notifications shall 46305
be given within two weeks after the suspension, expulsion, 46306
removal, or permanent exclusion. 46307

(C) A notification of withdrawal, habitual absence without 46308
legitimate excuse, suspension, or expulsion given to the registrar 46309
or a juvenile judge under division (B)(1), (2), (3), or (4) of 46310
this section shall contain the name, address, date of birth, 46311
school, and school district of the child. If the superintendent 46312
finds, after giving a notification of withdrawal, habitual absence 46313
without legitimate excuse, suspension, or expulsion to the 46314
registrar and the juvenile judge under division (B)(1), (2), (3), 46315
or (4) of this section, that the notification was given in error, 46316
the superintendent immediately shall notify the registrar and the 46317
juvenile judge of that fact. 46318

Sec. 3321.14. Notwithstanding division (D) of section 3311.19 46319
and division (D) of section 3311.52 of the Revised Code, the 46320
provisions of this section and sections 3321.15 to 3321.21 of the 46321
Revised Code that apply to a city school district or its 46322
superintendent do not apply to any joint vocational or cooperative 46323
education school district or its superintendent unless otherwise 46324
specified. 46325

The board of education of every city ~~school district and of~~ 46326

every, exempted village, or local school district shall either 46327
employ an attendance officer, and may employ or appoint any 46328
assistants that the board deems advisable, or shall obtain such 46329
services from the educational service center with which the 46330
district has entered into an agreement under section 3313.843 or 46331
3313.845 of the Revised Code, in accordance with the terms 46332
prescribed in that agreement. ~~In~~ 46333

In cities of one hundred thousand population or over, the 46334
board may appoint, subject to the nomination of the district 46335
superintendent ~~of schools~~, one or more pupil-personnel workers and 46336
make provision for the traveling expenses within the school 46337
district of those employees. 46338

Sec. 3321.15. Every governing board of an educational service 46339
center ~~shall~~ may employ an educational service center attendance 46340
officer, and may employ or appoint such assistants as the board 46341
deems advisable. The decision to employ an attendance officer 46342
shall be based on consultation with the districts that have 46343
entered into agreements with the educational service center under 46344
section 3313.843 or 3313.845 of the Revised Code and the services 46345
outlined in the agreements. The compensation and necessary 46346
traveling expenses of such attendance officer and assistants shall 46347
be paid out of the educational service center governing board 46348
fund. With the consent and approval of the judge of the juvenile 46349
court, a probation officer of the court may be designated as the 46350
service center attendance officer or as an assistant. The 46351
compensation of the probation officers of the juvenile court so 46352
designated shall be fixed and paid in the same manner as salaries 46353
of other probation officers of the juvenile court; their traveling 46354
expenses as attendance officers which would not be incurred as 46355
probation officers shall be paid out of the educational service 46356
center governing board fund. In addition to the compensation 46357
provided in this section the board may pay such additional 46358

compensation as it deems advisable, to any probation officer 46359
designated as attendance officer and such additional amount shall 46360
be paid from the educational service center governing board fund. 46361
The attendance officer and assistants shall work under the 46362
direction of the educational service center superintendent. The 46363
authority of such attendance officer and assistants ~~shall~~ may 46364
extend to all the ~~local~~ school districts served by the service 46365
center pursuant to any agreements entered into under section 46366
3313.843 or 3313.845 of the Revised Code. This section does not 46367
confine their authority to investigate ~~employment~~ attendance to 46368
that within the territory of the service center. 46369

Sec. 3323.021. As used in this section, "participating county 46370
DD board" means a county board of developmental disabilities 46371
electing to participate in the provision of or contracting for 46372
educational services for children under division (D) of section 46373
5126.05 of the Revised Code. 46374

(A) When a school district, educational service center, or 46375
participating county DD board enters into an agreement or contract 46376
with another school district, educational service center, or 46377
participating county DD board to provide educational services to a 46378
disabled child during a school year, both of the following shall 46379
apply: 46380

(1) Beginning with fiscal year 1999, if the provider of the 46381
services intends to increase the amount it charges for some or all 46382
of those services during the next school year or if the provider 46383
intends to cease offering all or part of those services during the 46384
next school year, the provider shall notify the entity for which 46385
the services are provided of these intended changes no later than 46386
the first day of March of the current fiscal year. 46387

(2) Beginning with fiscal year 1999, if the entity for which 46388
services are provided intends to cease obtaining those services 46389

from the provider for the next school year or intends to change 46390
the type or amount of services it obtains from the provider for 46391
the next school year, the entity shall notify the service provider 46392
of these intended changes no later than the first day of March of 46393
the current fiscal year. 46394

(B) School districts, educational service centers, 46395
participating county DD boards, and other applicable governmental 46396
entities shall collaborate where possible to maximize federal 46397
sources of revenue to provide additional funds for special 46398
education related services for disabled children. Annually, each 46399
school district shall report to the department of education any 46400
amounts of ~~money~~ such federal revenue the district received 46401
~~through such medical assistance program.~~ 46402

(C) The state board of education, the department of 46403
developmental disabilities, and the department of ~~job and family~~ 46404
~~services~~ medicaid shall develop working agreements for pursuing 46405
additional funds for services for disabled children. 46406

Sec. 3323.03. The state board of education shall, in 46407
consultation with the department of health, the department of 46408
~~mental health~~ mental health and addiction services, and the 46409
department of developmental disabilities, establish standards and 46410
procedures for the identification, location, and evaluation of all 46411
children with disabilities residing in the state, including 46412
children with disabilities who are homeless children or are wards 46413
of the state and children with disabilities attending nonpublic 46414
schools, regardless of the severity of their disabilities, and who 46415
are in need of special education and related services. The state 46416
board shall develop and implement a practical method to determine 46417
which children with disabilities are currently receiving needed 46418
special education and related services. 46419

In conducting the evaluation, the board of education of each 46420

school district shall use a variety of assessment tools and 46421
strategies to gather relevant functional, developmental, and 46422
academic information about the child, including information 46423
provided by the child's parent. The board of education of each 46424
school district, in consultation with the county DD board, the 46425
county family and children first council, and the board of 46426
alcohol, drug addiction, and mental health services of each county 46427
in which the school district has territory, shall identify, 46428
locate, and evaluate all children with disabilities residing 46429
within the district to determine which children with disabilities 46430
are not receiving appropriate special education and related 46431
services. In addition, the board of education of each school 46432
district, in consultation with such county boards or council, 46433
shall identify, locate, and evaluate all children with 46434
disabilities who are enrolled by their parents in nonpublic 46435
elementary and secondary schools located within the public school 46436
district, without regard to where those children reside in 46437
accordance with rules of the state board of education or 46438
guidelines of the superintendent of public instruction. 46439

Each county DD board, county family and children first 46440
council, and board of alcohol, drug addiction, and mental health 46441
services and the board's or council's contract agencies may 46442
transmit to boards of education the names and addresses of 46443
children with disabilities who are not receiving appropriate 46444
special education and related services. 46445

Sec. 3323.04. The state board of education, in consultation 46446
with the department of ~~mental health~~ mental health and addiction 46447
services and the department of developmental disabilities, shall 46448
establish procedures and standards for the development of 46449
individualized education programs for children with disabilities. 46450

The state board shall require the board of education of each 46451

school district to develop an individualized education program for 46452
each child with a disability who is at least three years of age 46453
and less than twenty-two years of age residing in the district in 46454
a manner that is in accordance with rules of the state board. 46455

Prior to the placement of a child with a disability in a 46456
program operated under section 3323.09 of the Revised Code, the 46457
district board of education shall consult the county DD board of 46458
the county in which the child resides regarding the proposed 46459
placement. 46460

A child with a disability enrolled in a nonpublic school or 46461
facility shall be provided special education and related services, 46462
in accordance with an individualized education program, at no cost 46463
for those services, if the child is placed in, or referred to, 46464
that nonpublic school or facility by the department of education 46465
or a school district. 46466

The IEP team shall review the individualized education 46467
program of each child with a disability periodically, but at least 46468
annually, to determine whether the annual goals for the child are 46469
being achieved, and shall revise the individualized education 46470
program as appropriate. 46471

The state board shall establish procedures and standards to 46472
assure that to the maximum extent appropriate, children with 46473
disabilities, including children in public or private institutions 46474
or other care facilities, shall be educated with children who are 46475
not disabled. Special classes, separate schools, or other removal 46476
of children with disabilities from the regular educational 46477
environment shall be used only when the nature or severity of a 46478
child's disability is such that education in regular classes with 46479
supplementary aids and services cannot be achieved satisfactorily. 46480

If an agency directly affected by a placement decision 46481
objects to such decision, an impartial hearing officer, appointed 46482

by the department of education from a list prepared by the 46483
department, shall conduct a hearing to review the placement 46484
decision. The agencies that are parties to a hearing shall divide 46485
the costs of such hearing equally. The decision of the hearing 46486
officer shall be final, except that any party to the hearing who 46487
is aggrieved by the findings or the decision of the hearing 46488
officer may appeal the findings or decision in accordance with 46489
division (H) of section 3323.05 of the Revised Code or the parent 46490
of any child affected by such decision may present a complaint in 46491
accordance with that section. 46492

Sec. 3323.07. The state board of education shall authorize 46493
the establishment and maintenance of special education and related 46494
services for all children with disabilities who are at least three 46495
years of age and less than twenty-two years of age, including 46496
children with disabilities who have been suspended or expelled 46497
from school, and may authorize special education and related 46498
services for children with disabilities who are less than three 46499
years of age in accordance with rules adopted by the state board. 46500
The state board shall require the boards of education of school 46501
districts, shall authorize the department of ~~mental health~~ mental 46502
health and addiction services and the department of developmental 46503
disabilities, and may authorize any other educational agency, to 46504
establish and maintain such special education and related services 46505
in accordance with standards adopted by the state board. 46506

Sec. 3323.08. (A) Each school district shall submit a plan to 46507
the superintendent of public instruction that provides assurances 46508
that the school district will provide for the education of 46509
children with disabilities within its jurisdiction and has in 46510
effect policies, procedures, and programs that are consistent with 46511
the policies and procedures adopted by the state board of 46512
education in accordance with section 612 of the "Individuals with 46513

Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 46514
and that meet the conditions applicable to school districts under 46515
section 613 of that act, 20 U.S.C. 1413. 46516

Each district's plan shall do all of the following: 46517

(1) Provide, as specified in section 3323.11 of the Revised 46518
Code and in accordance with standards established by the state 46519
board, for an organizational structure and necessary and qualified 46520
staffing and supervision for the identification of and provision 46521
of special education and related services for children with 46522
disabilities; 46523

(2) Provide, as specified by section 3323.03 of the Revised 46524
Code and in accordance with standards established by the state 46525
board, for the identification, location, and evaluation of all 46526
children with disabilities residing in the district, including 46527
children with disabilities who are homeless children or are wards 46528
of the state and children with disabilities attending private 46529
schools and who are in need of special education and related 46530
services. A practical method shall be developed and implemented to 46531
determine which children with disabilities are currently receiving 46532
needed special education and related services. 46533

(3) Provide, as specified by section 3323.07 of the Revised 46534
Code and standards established by the state board, for the 46535
establishment and maintenance of special education and related 46536
services for children with disabilities who are at least three 46537
years of age and less than twenty-two years of age, including 46538
children with disabilities who have been suspended or expelled 46539
from school. 46540

(4) Provide, as specified by section 3323.04 of the Revised 46541
Code and in accordance with standards adopted by the state board, 46542
for an individualized education program for each child with a 46543
disability who is at least three years of age and less than 46544

twenty-two years of age residing within the district; 46545

(5) Provide, as specified by section 3323.02 of the Revised 46546
Code and in accordance with standards established by the state 46547
board, for special education and related services and a free 46548
appropriate public education for every child with a disability who 46549
is at least three years of age and less than twenty-two years of 46550
age, including children with disabilities who have been suspended 46551
or expelled from school; 46552

(6) Provide procedural safeguards and prior written notice as 46553
required under section 3323.05 of the Revised Code and the 46554
standards established by the state board; 46555

(7) Outline the steps that have been or are being taken to 46556
comply with standards established by the state board. 46557

(B)(1) A school district may arrange, by a cooperative 46558
agreement or contract with one or more school districts or with a 46559
cooperative education or joint vocational school district or an 46560
educational service center, to provide for the identification, 46561
location, and evaluation of children with disabilities, and to 46562
provide special education and related services for such children 46563
that meet the standards established by the state board. A school 46564
district may arrange, by a cooperative agreement or contract, for 46565
the provision of related services for children with disabilities 46566
that meet the standards established by the state board. 46567

(2) A school district shall arrange by interagency agreement 46568
with one or more school districts or with a cooperative education 46569
or joint vocational school district or an educational service 46570
center or other providers of early learning services to provide 46571
for the identification, location, evaluation of children with 46572
disabilities of ages birth through five years of age and for the 46573
transition of children with disabilities at age three in 46574
accordance with the standards established by the state board. A 46575

school district may arrange by interagency agreement with 46576
providers of early learning services to provide special education 46577
and related services for such children that meet the standards 46578
established by the state board. 46579

(3) If at the time an individualized education program is 46580
developed for a child a school district is not providing special 46581
education and related services required by that individualized 46582
education program, the school district may arrange by contract 46583
with a nonpublic entity for the provision of the special education 46584
and related services, provided the special education and related 46585
services meet the standards for special education and related 46586
services established by the state board and is provided within the 46587
state. 46588

(4) Any cooperative agreement or contract under division 46589
(B)(1) or (2) of this section involving a local school district 46590
shall be approved by the governing board of the educational 46591
service center which serves that district. 46592

(C) No plan of a local school district shall be submitted to 46593
the superintendent of public instruction until it has been 46594
approved by the superintendent of the educational service center 46595
which serves that district. 46596

(D) Upon approval of a school district's plan by the 46597
superintendent of public instruction, the district shall 46598
immediately certify students for state funds under section 3317.03 46599
of the Revised Code to implement and maintain such plan. The 46600
~~district also shall request approval of classroom units under~~ 46601
~~division (B) of section 3317.05 of the Revised Code for which the~~ 46602
~~district has adequately identified preschool children with~~ 46603
~~disabilities and shall, in accordance with procedures adopted by~~ 46604
~~the state board, request approval of units under division (C) of~~ 46605
~~section 3317.05 of the Revised Code.~~ The district shall, in 46606
accordance with guidelines adopted by the state board, identify 46607

problems relating to the provision of qualified personnel and 46608
adequate facilities, and indicate the extent to which the cost of 46609
programs required under the plan will exceed anticipated state 46610
reimbursement. Each school district shall immediately implement 46611
the identification, location, and evaluation of children with 46612
disabilities in accordance with this chapter, and shall implement 46613
those parts of the plan involving placement and provision of 46614
special education and related services. 46615

Sec. 3323.09. (A) As used in this section: 46616

(1) "Home" has the meaning given in section 3313.64 of the 46617
Revised Code. 46618

(2) "Preschool child" means a child who is at least age three 46619
but under age six on the thirtieth day of September of an academic 46620
year. 46621

(B) Each county DD board shall establish special education 46622
programs for all children with disabilities who in accordance with 46623
section 3323.04 of the Revised Code have been placed in special 46624
education programs operated by the county board and for preschool 46625
children who are developmentally delayed or at risk of being 46626
developmentally delayed. The board annually shall submit to the 46627
department of education a plan for the provision of these programs 46628
~~and, if applicable, a request for approval of units under section~~ 46629
~~3317.05 of the Revised Code.~~ The superintendent of public 46630
instruction shall review the plan and approve or modify it in 46631
accordance with rules adopted by the state board of education 46632
under section 3301.07 of the Revised Code. The superintendent of 46633
public instruction shall compile the plans submitted by county 46634
boards and shall submit a comprehensive plan to the state board. 46635

A county DD board may combine transportation for children 46636
enrolled in classes funded under ~~section~~ sections 3317.0213 or 46637
~~3317.20 or units approved under section 3317.05~~ with 46638

transportation for children and adults enrolled in programs and 46639
services offered by the board under Chapter 5126. of the Revised 46640
Code. 46641

(C) A county DD board that during the school year provided 46642
special education pursuant to this section for any child with 46643
mental disabilities under twenty-two years of age shall prepare 46644
and submit the following reports and statements: 46645

(1) The board shall prepare a statement for each child who at 46646
the time of receiving such special education was a resident of a 46647
home and was not in the legal or permanent custody of an Ohio 46648
resident or a government agency in this state, and whose natural 46649
or adoptive parents are not known to have been residents of this 46650
state subsequent to the child's birth. The statement shall contain 46651
the child's name, the name of the child's school district of 46652
residence, the name of the county board providing the special 46653
education, and the number of months, including any fraction of a 46654
month, it was provided. Not later than the thirtieth day of June, 46655
the board shall forward a certified copy of such statement to both 46656
the director of developmental disabilities and to the home. 46657

Within thirty days after its receipt of a statement, the home 46658
shall pay tuition to the county board computed in the manner 46659
prescribed by section 3323.141 of the Revised Code. 46660

(2) The board shall prepare a report for each school district 46661
that is the school district of residence of one or more of such 46662
children for whom statements are not required by division (C)(1) 46663
of this section. The report shall contain the name of the county 46664
board providing special education, the name of each child 46665
receiving special education, the number of months, including 46666
fractions of a month, that the child received it, and the name of 46667
the child's school district of residence. Not later than the 46668
thirtieth day of June, the board shall forward certified copies of 46669
each report to the school district named in the report, the 46670

superintendent of public instruction, and the director of 46671
developmental disabilities. 46672

Sec. 3323.091. (A) The department of ~~mental health~~ mental 46673
health and addiction services, the department of developmental 46674
disabilities, the department of youth services, and the department 46675
of rehabilitation and correction shall establish and maintain 46676
special education programs for children with disabilities in 46677
institutions under their jurisdiction according to standards 46678
adopted by the state board of education. 46679

(B) ~~The superintendent of each state institution required to~~ 46680
~~provide services under division (A) of this section, and each~~ 46681
~~county DD board, providing special education for preschool~~ 46682
~~children with disabilities under this chapter may apply to the~~ 46683
~~state department of education for unit funding, which shall be~~ 46684
~~paid in accordance with sections 3317.052 and 3317.053 of the~~ 46685
~~Revised Code.~~ 46686

The superintendent of each state institution required to 46687
provide services under division (A) of this section may apply to 46688
the department of education for special education and related 46689
services ~~weighted~~ funding for children with disabilities other 46690
than preschool children with disabilities, calculated in 46691
accordance with section 3317.201 of the Revised Code. 46692

Each county DD board providing special education for children 46693
with disabilities other than preschool children with disabilities 46694
may apply to the department of education for ~~base cost and~~ 46695
opportunity funds, special education and related services ~~weighted~~ 46696
funding, and targeted assistance funds calculated in accordance 46697
with section 3317.20 of the Revised Code. 46698

(C) In addition to the authorization to apply for state 46699
funding described in division (B) of this section, each state 46700
institution required to provide services under division (A) of 46701

this section is entitled to tuition payments calculated in the 46702
manner described in division (C) of this section. 46703

On or before the thirtieth day of June of each year, the 46704
superintendent of each institution that during the school year 46705
provided special education pursuant to this section shall prepare 46706
a statement for each child with a disability under twenty-two 46707
years of age who has received special education. The statement 46708
shall contain the child's data verification code assigned pursuant 46709
to division (D)(2) of section 3301.0714 of the Revised Code and 46710
the name of the child's school district of residence. Within sixty 46711
days after receipt of such statement, the department of education 46712
shall perform one of the following: 46713

(1) For any child except a preschool child with a disability 46714
described in division (C)(2) of this section, pay to the 46715
institution submitting the statement an amount equal to the 46716
tuition calculated under division (A) of section 3317.08 of the 46717
Revised Code for the period covered by the statement, and deduct 46718
the same from the amount of state funds, if any, payable under 46719
Chapter 3317. of the Revised Code, to the child's school district 46720
of residence or, if the amount of such state funds is 46721
insufficient, require the child's school district of residence to 46722
pay the institution submitting the statement an amount equal to 46723
the amount determined under this division. 46724

(2) For any preschool child with a disability ~~not included in~~ 46725
~~a unit approved under division (B) of section 3317.05 of the~~ 46726
~~Revised Code,~~ perform the following: 46727

(a) Pay to the institution submitting the statement an amount 46728
equal to the tuition calculated under division (B) of section 46729
3317.08 of the Revised Code for the period covered by the 46730
statement, except that in calculating the tuition under that 46731
section the operating expenses of the institution submitting the 46732
statement under this section shall be used instead of the 46733

operating expenses of the school district of residence; 46734

(b) Deduct from the amount of state funds, if any, payable 46735
under Chapter 3317. of the Revised Code to the child's school 46736
district of residence an amount equal to the amount paid under 46737
division (C)(2)(a) of this section. 46738

Sec. 3323.13. (A) If a child who is a school resident of one 46739
school district receives special education from another district, 46740
the board of education of the district providing the education, 46741
subject to division (C) of this section, may require the payment 46742
by the board of education of the district of residence of a sum 46743
not to exceed one of the following, as applicable: 46744

(1) For any child except a preschool child with a disability 46745
described in division (A)(2) of this section, the tuition of the 46746
district providing the education for a child of normal needs of 46747
the same school grade. The determination of the amount of such 46748
tuition shall be in the manner provided for by division (A) of 46749
section 3317.08 of the Revised Code. 46750

(2) For any preschool child with a disability ~~not included in~~ 46751
~~a unit approved under division (B) of section 3317.05 of the~~ 46752
~~Revised Code,~~ the tuition of the district providing the education 46753
for the child as calculated under division (B) of section 3317.08 46754
of the Revised Code, multiplied by 0.50. 46755

(B) The board of the district of residence may contract with 46756
the board of another district for the transportation of such child 46757
into any school in such other district, on terms agreed upon by 46758
such boards. Upon direction of the state board of education, the 46759
board of the district of residence shall pay for the child's 46760
transportation and the tuition. 46761

(C) The board of education of a district providing the 46762
education for a child shall be entitled to require payment from 46763

the district of residence under this section or section 3323.14 of 46764
the Revised Code only if the district providing the education has 46765
done at least one of the following: 46766

(1) Invited the district of residence to send representatives 46767
to attend the meetings of the team developing the child's 46768
individualized education program; 46769

(2) Received from the district of residence a copy of the 46770
individualized education program or a multifactored evaluation 46771
developed for the child by the district of residence; 46772

(3) Informed the district of residence in writing that the 46773
district is providing the education for the child. 46774

As used in division (C)(2) of this section, "multifactored 46775
evaluation" means an evaluation, conducted by a multidisciplinary 46776
team, of more than one area of the child's functioning so that no 46777
single procedure shall be the sole criterion for determining an 46778
appropriate educational program placement for the child. 46779

~~**Sec. 3323.14.** This section does not apply to any preschool 46780
child with a disability except if included in a unit approved 46781
under division (B) of section 3317.05 of the Revised Code. 46782~~

(A) Where a child who is a school resident of one school 46783
district receives special education from another district and the 46784
per capita cost to the educating district for that child exceeds 46785
the sum of the amount received by the educating district for that 46786
child under division (A) of section 3317.08 of the Revised Code 46787
and the amount received by the district from the state board of 46788
education for that child, then the board of education of the 46789
district of residence shall pay to the board of the school 46790
district that is providing the special education such excess cost 46791
as is determined by using a formula approved by the department of 46792
education and agreed upon in contracts entered into by the boards 46793

of the districts concerned at the time the district providing such 46794
special education accepts the child for enrollment. The department 46795
shall certify the amount of the payments under Chapter 3317. of 46796
the Revised Code for such pupils with disabilities for each school 46797
year ending on the thirtieth day of July. 46798

(B) In the case of a child described in division (A) of this 46799
section who has been placed in a home, as defined in section 46800
3313.64 of the Revised Code, pursuant to the order of a court and 46801
who is not subject to section 3323.141 of the Revised Code, the 46802
district providing the child with special education and related 46803
services may charge to the child's district of residence the 46804
excess cost determined by formula approved by the department, 46805
regardless of whether the district of residence has entered into a 46806
contract with the district providing the services. If the district 46807
providing the services chooses to charge excess costs, the 46808
district may report the amount calculated under this division to 46809
the department. 46810

(C) If a district providing special education for a child 46811
reports an amount for the excess cost of those services, as 46812
authorized and calculated under division (A) or (B) of this 46813
section, the department shall pay that amount of excess cost to 46814
the district providing the services and shall deduct that amount 46815
from the child's district of residence in accordance with division 46816
(K) of section 3317.023 of the Revised Code. 46817

Sec. 3323.141. (A) When a child who is not in the legal or 46818
permanent custody of an Ohio resident or a government agency in 46819
this state and whose natural or adoptive parents are not known to 46820
have been residents of this state subsequent to the child's birth 46821
is a resident of a home as defined in section 3313.64 of the 46822
Revised Code and receives special education and related services 46823
from a school district or county ~~MR/DD~~ DD board, the home shall 46824

pay tuition to the board providing the special education. 46825

(B) In the case of a child described in division (A) of this 46826
section who receives special education and related services from a 46827
school district, tuition shall be the amount determined under 46828
division (B)(1) or (2) of this section. 46829

(1) For a child other than a child described in division 46830
(B)(2) of this section the tuition shall be an amount equal to the 46831
sum of the following: 46832

(a) Tuition as determined in the manner provided for by 46833
division (B) of section 3317.081 of the Revised Code for the 46834
district that provides the special education; 46835

(b) Such excess cost as is determined by using a formula 46836
established by rule of the department of education. The excess 46837
cost computed in this section shall not be used as excess cost 46838
computed under section 3323.14 of the Revised Code. 46839

(2) For a child who is a preschool child with a disability 46840
~~not included in a unit approved under division (B) of section~~ 46841
~~3317.05 of the Revised Code,~~ the tuition shall be computed as 46842
follows: 46843

(a) Determine the amount of the tuition of the district 46844
providing the education for the child as calculated under division 46845
(B) of section 3317.08 of the Revised Code; 46846

(b) For each type of special education service included in 46847
the computation of the amount of tuition under division (B)(2)(a) 46848
of this section, divide the amount determined for that computation 46849
under division (B)(2) of section 3317.08 of the Revised Code by 46850
the total number of preschool children with disabilities used for 46851
that computation under division (B)(3) of section 3317.08 of the 46852
Revised Code; 46853

(c) Determine the sum of the quotients obtained under 46854

division (B)(2)(b) of this section; 46855

(d) Determine the sum of the amounts determined under 46856
divisions (B)(2)(a) and (c) of this section. 46857

(C) In the case of a child described in division (A) of this 46858
section who receives special education and related services from a 46859
county ~~MR/DD~~ DD board, tuition shall be the amount determined 46860
under division (C)(1) or (2) of this section. 46861

(1) For a child other than a child described in division 46862
(C)(2) of this section, the tuition shall be an amount equal to 46863
such board's per capita cost of providing special education and 46864
related services for children at least three but less than 46865
twenty-two years of age as determined by using a formula 46866
established by rule of the department of developmental 46867
disabilities. 46868

(2) For a child who is a preschool child with a disability 46869
~~not included in a unit approved under division (B) of section~~ 46870
~~3317.05 of the Revised Code~~, the tuition shall equal the sum of 46871
the amounts of each such board's per capita cost of providing each 46872
of the special education or related service that the child 46873
receives. The calculation of tuition shall be made by using a 46874
formula established by rule of the department of developmental 46875
disabilities. The formula for the calculation of per capita costs 46876
under division (C)(2) of this section shall be based only on each 46877
such ~~MR/DD~~ DD board's cost of providing each type of special 46878
education or related service to preschool children with 46879
disabilities ~~not included in a unit approved under division (B) of~~ 46880
~~section 3317.05 of the Revised Code.~~ 46881

(D) If a home fails to pay the tuition required under this 46882
section, the board of education or county ~~MR/DD~~ DD board providing 46883
the education may recover in a civil action the tuition and the 46884
expenses incurred in prosecuting the action, including court costs 46885

and reasonable attorney's fees. If the prosecuting attorney or 46886
city director of law represents the board in such action, costs 46887
and reasonable attorney's fees awarded by the court, based upon 46888
the time spent preparing and presenting the case by the 46889
prosecuting attorney, director, or a designee of either, shall be 46890
deposited in the county or city general fund. 46891

~~Sec. 3323.142. This section does not apply to any preschool 46892
child with a disability except if included in a unit approved 46893
under division (B) of section 3317.05 of the Revised Code. 46894~~

As used in this section, "per pupil amount" for a preschool 46895
child with a disability included in such an approved unit means 46896
the amount determined by dividing the amount received for the 46897
classroom unit in which the child has been placed by the number of 46898
children in the unit. For any other child, "per pupil amount" 46899
means the amount paid for the child under section 3317.20 of the 46900
Revised Code. 46901

When a school district places or has placed a child with a 46902
county DD board for special education, but another district is 46903
responsible for tuition under section 3313.64 or 3313.65 of the 46904
Revised Code and the child is not a resident of the territory 46905
served by the county DD board, the board may charge the district 46906
responsible for tuition with the educational costs in excess of 46907
the per pupil amount received by the board under Chapter 3317. of 46908
the Revised Code. The amount of the excess cost shall be 46909
determined by the formula established by rule of the department of 46910
education under section 3323.14 of the Revised Code, and the 46911
payment for such excess cost shall be made by the school district 46912
directly to the county DD board. 46913

A school district board of education and the county DD board 46914
that serves the school district may negotiate and contract, at or 46915
after the time of placement, for payments by the board of 46916

education to the county DD board for additional services provided 46917
to a child placed with the county DD board and whose 46918
individualized education program established pursuant to section 46919
3323.08 of the Revised Code requires additional services that are 46920
not routinely provided children in the county DD board's program 46921
but are necessary to maintain the child's enrollment and 46922
participation in the program. Additional services may include, but 46923
are not limited to, specialized supplies and equipment for the 46924
benefit of the child and instruction, training, or assistance 46925
provided by staff members other than staff members for which 46926
funding is received under Chapter 3317. of the Revised Code. 46927

Sec. 3324.07. (A) The board of education of each school 46928
district shall develop a plan for the service of gifted students 46929
enrolled in the district that are identified under section 3324.03 46930
of the Revised Code. Services specified in the plan developed by 46931
each board may include such options as the following: 46932

- (1) A differentiated curriculum; 46933
- (2) Cluster grouping; 46934
- (3) Mentorships; 46935
- (4) Accelerated course work; 46936
- (5) The ~~post-secondary enrollment option~~ college credit plus 46937
program under Chapter 3365. of the Revised Code; 46938
- (6) Advanced placement; 46939
- (7) Honors classes; 46940
- (8) Magnet schools; 46941
- (9) Self-contained classrooms; 46942
- (10) Independent study; 46943
- (11) Other options identified in rules adopted by the 46944
department of education. 46945

(B) Each board shall file the plan developed under division 46946
(A) of this section with the department of education by December 46947
15, 2000. The department shall review and analyze each plan to 46948
determine if it is adequate and to make funding estimates. 46949

(C) Unless otherwise required by law, rule, or as a condition 46950
for receipt of funds, school boards may implement the plans 46951
developed under division (A) of this section, but shall not be 46952
required to do so until further action by the general assembly or 46953
the state superintendent of public instruction. 46954

Sec. 3326.11. Each science, technology, engineering, and 46955
mathematics school established under this chapter and its 46956
governing body shall comply with sections 9.90, 9.91, 109.65, 46957
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 46958
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 46959
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 46960
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 46961
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 46962
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 46963
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 46964
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 46965
3313.816, 3313.817, 3313.86, ~~3313.88~~, 3313.96, 3319.073, 3319.21, 46966
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 46967
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 46968
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 46969
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 46970
4123., 4141., and 4167. of the Revised Code as if it were a school 46971
district. 46972

Sec. 3326.112. The governing body of each STEM school shall 46973
comply with the standards for financial reporting adopted under 46974
division (B)(2) of section 3301.07 of the Revised Code. 46975

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code: 46976
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(A) ~~"Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.~~ 46978
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(B) ~~"Applicable vocational education weight" means the multiple specified in section 3317.014 of the Revised Code for vocational education programs or classes described in that section.~~ 46981
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(C) ~~"Formula amount" has the same meaning as in section 3317.02 of the Revised Code~~ (1) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code. 46985
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(2) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code. 46989
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(3) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code. 46992
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(4) "Category four limited English proficient student" means a limited English proficient student described in division (D) of section 3317.016 of the Revised Code. 46995
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(B)(1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code. 46998
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(2) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 47002
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(3) "Category three special education student" means a 47005

student who is receiving special education services for a 47006
disability specified in division (C) of section 3317.013 of the 47007
Revised Code. 47008

(4) "Category four special education student" means a student 47009
who is receiving special education services for a disability 47010
specified in division (D) of section 3317.013 of the Revised Code. 47011

(5) "Category five special education student" means a student 47012
who is receiving special education services for a disability 47013
specified in division (E) of section 3317.013 of the Revised Code. 47014

(6) "Category six special education student" means a student 47015
who is receiving special education services for a disability 47016
specified in division (F) of section 3317.013 of the Revised Code. 47017

~~(D)~~(C) "IEP" means an individualized education program as 47018
defined in section 3323.01 of the Revised Code. 47019

~~(E)~~ A student is "included in the poverty student count of 47020
the student's resident district" if the student's family receives 47021
assistance under the Ohio works first program. 47022

~~(F)~~(D) "Resident district" means the school district in which 47023
a student is entitled to attend school under section 3313.64 or 47024
3313.65 of the Revised Code. 47025

~~(G)~~(E) "State education aid" has the same meaning as in 47026
section 5751.20 of the Revised Code. 47027

Sec. 3326.32. Each science, technology, engineering, and 47028
mathematics school shall report to the department of education, in 47029
the form and manner required by the department, all of the 47030
following information: 47031

(A) The total number of students enrolled in the school; 47032

(B) The number of students who are receiving special 47033
education and related services pursuant to an IEP; 47034

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;

(D) The full-time equivalent number of students who are enrolled in ~~vocational~~ career-technical education programs or classes described in each of divisions (A) ~~and~~, (B), (C), (D), and (E) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The number of students who are limited English proficiency students and which category specified in divisions (A) to (D) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department.

(G) The resident district of each student;

~~(F)~~(H) Any additional information the department determines necessary to make payments under this chapter.

~~Sec. 3326.33. Payments and deductions under this section for fiscal years 2012 and 2013 shall be made in accordance with section 3326.39 of the Revised Code.~~

For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, on a full-time equivalency basis, the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the school the sum of the following:

~~(A) The sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to~~

~~(4) of section 3317.012 of the Revised Code.~~ 47065

~~(B) If the student is receiving special education and related services pursuant to an IEP, the product of the applicable special education weight times the formula amount;~~ 47066
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~~(C) If the student is enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, the product of the applicable vocational education weight times the formula amount times the percentage of time the student spends in the vocational education programs or classes;~~ 47069
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~~(D) If the student is included in the poverty student count of the student's resident district, the per pupil amount of the district's payment under division (C) of section 3317.029 of the Revised Code;~~ 47078
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~~(E) If the student is identified as limited English proficient and the student's resident district receives a payment for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code, the per pupil amount of the district's payment under that division, calculated in the same manner as per pupil payments are calculated under division (C)(6) of section 3314.08 of the Revised Code;~~ 47082
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~~(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each division, calculated in the same manner as per pupil payments are calculated under divisions (C)(7) and (8) of section 3314.08 of the Revised Code;~~ 47089
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~~(G) If the student's resident district receives a parity aid~~ 47095

~~payment under section 3317.0217 of the Revised Code, the per pupil~~ 47096
~~amount calculated for the district under division (C) or (D) of~~ 47097
~~that section~~ An opportunity grant of (\$250,000 - the school's 47098
valuation per pupil) X 0.02. 47099

Each STEM school's valuation per pupil shall be zero. 47100

(B) The per pupil amount of targeted assistance funds 47101
calculated under section 3317.0217 of the Revised Code for the 47102
student's resident district, as determined by the department; 47103

(C) Additional state aid for special education and related 47104
services provided under Chapter 3323. of the Revised Code as 47105
follows: 47106

(1) If the student is a category one special education 47107
student, the amount specified in division (A) of section 3317.013 47108
of the Revised Code; 47109

(2) If the student is a category two special education 47110
student, the amount specified in division (B) of section 3317.013 47111
of the Revised Code; 47112

(3) If the student is a category three special education 47113
student, the amount specified in division (C) of section 3317.013 47114
of the Revised Code; 47115

(4) If the student is a category four special education 47116
student, the amount specified in division (D) of section 3317.013 47117
of the Revised Code; 47118

(5) If the student is a category five special education 47119
student, the amount specified in division (E) of section 3317.013 47120
of the Revised Code; 47121

(6) If the student is a category six special education 47122
student, the amount specified in division (F) of section 3317.013 47123
of the Revised Code. 47124

(D) If the student is economically disadvantaged, \$500 X the 47125

<u>resident district's economically disadvantaged index.</u>	47126
<u>(E) Limited English proficiency funds, as follows:</u>	47127
<u>(1) If the student is a category one limited English</u>	47128
<u>proficiency student, the amount specified in division (A) of</u>	47129
<u>section 3317.016 of the Revised Code;</u>	47130
<u>(2) If the student is a category two limited English</u>	47131
<u>proficiency student, the amount specified in division (B) of</u>	47132
<u>section 3317.016 of the Revised Code;</u>	47133
<u>(3) If the student is a category three limited English</u>	47134
<u>proficiency student, the amount specified in division (C) of</u>	47135
<u>section 3317.016 of the Revised Code;</u>	47136
<u>(4) If the student is a category four limited English</u>	47137
<u>proficiency student, the amount specified in division (D) of</u>	47138
<u>section 3317.016 of the Revised Code.</u>	47139
<u>(F) Gifted funds in an amount of \$50 for each enrolled</u>	47140
<u>student.</u>	47141
<u>Sec. 3326.34.</u> <u>The department shall deduct from the aggregate</u>	47142
<u>amount paid under section 3326.33 of the Revised Code fifteen per</u>	47143
<u>cent of the sum of the amount paid under division (C) of that</u>	47144
<u>section and transfer that amount to the special education</u>	47145
<u>exceptional cost fund created in section 3317.0215 of the Revised</u>	47146
<u>Code. A STEM school may apply for funds from the special education</u>	47147
<u>exceptional cost fund if it satisfies the criteria in section</u>	47148
<u>3317.0214 of the Revised Code.</u>	47149
<u>Sec. 3326.36.</u> <u>The department of education shall reduce the</u>	47150
<u>amounts paid to a science, technology, engineering, and</u>	47151
<u>mathematics school under section 3326.33 of the Revised Code to</u>	47152
<u>reflect payments made to colleges under division (B) of section</u>	47153
<u>3365.07 of the Revised Code or through alternative funding</u>	47154

~~agreements entered into under rules adopted under section 3365.12~~ 47155
~~of the Revised Code.~~ A student shall be considered enrolled in the 47156
school for any portion of the school year the student is attending 47157
a college under Chapter 3365. of the Revised Code. 47158

Sec. 3326.38. A science, technology, engineering, and 47159
mathematics school may do ~~all~~ both of the following: 47160

~~(A) Apply to the department of education for gifted unit~~ 47161
~~funding;~~ 47162

~~(B)~~ Apply to any state or federal agency for grants that a 47163
school district or public school may receive under federal or 47164
state law or any appropriations act of the general assembly; 47165

~~(C)~~(B) Apply to any private entity or foundation for 47166
additional funds. 47167

Sec. 3326.39. The department of education shall pay to each 47168
STEM school the amount approved for that school under section 47169
3317.162 of the Revised Code by the lead district of the 47170
career-technical planning district to which the school has been 47171
assigned. 47172

Sec. 3326.45. (A) The governing body of a science, 47173
technology, engineering, and mathematics school may contract with 47174
the governing board of an educational service center or the board 47175
of education of a joint vocational school district for the 47176
provision of services to the STEM school or to any student 47177
enrolled in the school. Services provided under the contract and 47178
the amount to be paid for those services shall be mutually agreed 47179
to by the parties to the contract, and shall be specified in the 47180
contract. 47181

(B) A contract entered into under this section may require an 47182
educational service center to provide any one or a combination of 47183

the following services to a STEM school: 47184

(1) Supervisory teachers; 47185

(2) In-service and continuing education programs for 47186
personnel of the STEM school; 47187

(3) Curriculum services as provided to the client school 47188
districts of the service center; 47189

(4) Research and development programs; 47190

(5) Academic instruction for which the service center 47191
governing board employs teachers; 47192

(6) Assistance in the provision of special accommodations and 47193
classes for students with disabilities. 47194

Services described in division (B) of this section shall be 47195
provided to the STEM school in the same manner they are provided 47196
to client school districts of the service center, unless otherwise 47197
specified in the contract. The contract shall specify whether the 47198
service center will receive a per-pupil payment from the 47199
department of education for the provision of these services and, 47200
if so, the amount of the per-pupil payment, ~~which shall not exceed~~ 47201
~~the per pupil amount paid to the service center under division (F)~~ 47202
~~of section 3317.11 of the Revised Code for each student in the~~ 47203
~~service center ADM.~~ 47204

(C) For each contract entered into under this section, the 47205
department shall deduct the amount owed by the STEM school from 47206
the state funds due to the STEM school under this chapter and 47207
shall pay that amount to the educational service center or joint 47208
vocational school district that is party to the contract. ~~In the~~ 47209
~~case of a contract with an educational service center that~~ 47210
~~specifies per-pupil payments for the provision of services~~ 47211
~~described in division (B) of this section, the department also~~ 47212
~~shall pay the service center the amount calculated under division~~ 47213

~~(H) of section 3317.11 of the Revised Code.~~ 47214

(D) No contract entered into under this section shall be 47215
valid unless a copy is filed with the department by the first day 47216
of the school year for which the contract is in effect. 47217

(E) As used in this section, "client school district" ~~has the~~ 47218
~~same meaning as in section 3317.11 of the Revised Code~~ means a 47219
city, exempted village, or local school district that has entered 47220
into an agreement under section 3313.843 or 3313.845 of the 47221
Revised Code to receive any services from an educational service 47222
center. 47223

Sec. 3327.02. (A) After considering each of the following 47224
factors, the board of education of a city, exempted village, or 47225
local school district may determine that it is impractical to 47226
transport a pupil who is eligible for transportation to and from a 47227
school under section 3327.01 of the Revised Code: 47228

(1) The time and distance required to provide the 47229
transportation; 47230

(2) The number of pupils to be transported; 47231

(3) The cost of providing transportation in terms of 47232
equipment, maintenance, personnel, and administration; 47233

(4) Whether similar or equivalent service is provided to 47234
other pupils eligible for transportation; 47235

(5) Whether and to what extent the additional service 47236
unavoidably disrupts current transportation schedules; 47237

(6) Whether other reimbursable types of transportation are 47238
available. 47239

(B)(1) Based on its consideration of the factors established 47240
in division (A) of this section, the board may pass a resolution 47241
declaring the impracticality of transportation. The resolution 47242

shall include each pupil's name and the reason for impracticality. 47243

(2) The board shall report its determination to the state 47244
board of education in a manner determined by the state board. 47245

~~(3) The board of education of a local school district 47246
additionally shall submit the resolution for concurrence to the 47247
educational service center that contains the local district's 47248
territory. If the educational service center governing board 47249
considers transportation by school conveyance practicable, it 47250
shall so inform the local board and transportation shall be 47251
provided by such local board. If the educational service center 47252
board agrees with the view of the local board, the local board may 47253
offer payment in lieu of transportation as provided in this 47254
section. 47255~~

(C) After passing the resolution declaring the impracticality 47256
of transportation, the district board shall offer to provide 47257
payment in lieu of transportation by doing the following: 47258

(1) In accordance with guidelines established by the 47259
department of education, informing the pupil's parent, guardian, 47260
or other person in charge of the pupil of both of the following: 47261

(a) The board's resolution; 47262

(b) The right of the pupil's parent, guardian, or other 47263
person in charge of the pupil to accept the offer of payment in 47264
lieu of transportation or to reject the offer and instead request 47265
the department to initiate mediation procedures. 47266

(2) Issuing the pupil's parent, guardian, or other person in 47267
charge of the pupil a contract or other form on which the parent, 47268
guardian, or other person in charge of the pupil is given the 47269
option to accept or reject the board's offer of payment in lieu of 47270
transportation. 47271

(D) If the parent, guardian, or other person in charge of the 47272

pupil accepts the offer of payment in lieu of providing 47273
transportation, the board shall pay the parent, guardian, or other 47274
person in charge of the pupil an amount that shall be not less 47275
than the amount determined by the department of education as the 47276
minimum for payment in lieu of transportation, and not more than 47277
the amount determined by the department as the average cost of 47278
pupil transportation for the previous school year. Payment may be 47279
prorated if the time period involved is only a part of the school 47280
year. 47281

(E)(1)(a) Upon the request of a parent, guardian, or other 47282
person in charge of the pupil who rejected the payment in lieu of 47283
transportation, the department shall conduct mediation procedures. 47284

(b) If the mediation does not resolve the dispute, the state 47285
board of education shall conduct a hearing in accordance with 47286
Chapter 119. of the Revised Code. The state board may approve the 47287
payment in lieu of transportation or may order the board of 47288
education to provide transportation. The decision of the state 47289
board is binding in subsequent years and on future parties in 47290
interest provided the facts of the determination remain 47291
comparable. 47292

(2) The school district shall provide transportation for the 47293
pupil from the time the parent, guardian, or other person in 47294
charge of the pupil requests mediation until the matter is 47295
resolved under division (E)(1)(a) or (b) of this section. 47296

(F)(1) If the department determines that a school district 47297
board has failed or is failing to provide transportation as 47298
required by division (E)(2) of this section or as ordered by the 47299
state board under division (E)(1)(b) of this section, the 47300
department shall order the school district board to pay to the 47301
pupil's parent, guardian, or other person in charge of the pupil, 47302
an amount equal to the state average daily cost of transportation 47303
as determined by the state board of education for the previous 47304

year. The school district board shall make payments on a schedule 47305
ordered by the department. 47306

(2) If the department subsequently finds that a school 47307
district board is not in compliance with an order issued under 47308
division (F)(1) of this section and the affected pupils are 47309
enrolled in a nonpublic or community school, the department shall 47310
deduct the amount that the board is required to pay under that 47311
order from any pupil transportation payments the department makes 47312
to the school district board under section 3317.0212 of the 47313
Revised Code or other provisions of law. The department shall use 47314
the moneys so deducted to make payments to the nonpublic or 47315
community school attended by the pupil. The department shall 47316
continue to make the deductions and payments required under this 47317
division until the school district board either complies with the 47318
department's order issued under division (F)(1) of this section or 47319
begins providing transportation. 47320

(G) A nonpublic or community school that receives payments 47321
from the department under division (F)(2) of this section shall do 47322
either of the following: 47323

(1) Disburse the entire amount of the payments to the parent, 47324
guardian, or other person in charge of the pupil affected by the 47325
failure of the school district of residence to provide 47326
transportation; 47327

(2) Use the entire amount of the payments to provide 47328
acceptable transportation for the affected pupil. 47329

Sec. 3327.10. (A) No person shall be employed as driver of a 47330
school bus or motor van, owned and operated by any school district 47331
or educational service center or privately owned and operated 47332
under contract with any school district or service center in this 47333
state, who has not received a certificate from either the 47334
educational service center governing board ~~in case such person is~~ 47335

~~employed by a service center or by a local school district under~~ 47336
~~the supervision of the service center governing board, that has~~ 47337
~~entered into an agreement with the school district under section~~ 47338
~~3313.843 or 3313.845 of the Revised Code or by the superintendent~~ 47339
~~of schools, in case such person is employed by the board of a city~~ 47340
~~or exempted village the~~ school district, certifying that such 47341
person is at least eighteen years of age and is of good moral 47342
character and is qualified physically and otherwise for such 47343
position. The service center governing board or the 47344
superintendent, as the case may be, shall provide for an annual 47345
physical examination that conforms with rules adopted by the state 47346
board of education of each driver to ascertain the driver's 47347
physical fitness for such employment. Any certificate may be 47348
revoked by the authority granting the same on proof that the 47349
holder has been guilty of failing to comply with division (D)(1) 47350
of this section, or upon a conviction or a guilty plea for a 47351
violation, or any other action, that results in a loss or 47352
suspension of driving rights. Failure to comply with such division 47353
may be cause for disciplinary action or termination of employment 47354
under division (C) of section 3319.081, or section 124.34 of the 47355
Revised Code. 47356

(B) No person shall be employed as driver of a school bus or 47357
motor van not subject to the rules of the department of education 47358
pursuant to division (A) of this section who has not received a 47359
certificate from the school administrator or contractor certifying 47360
that such person is at least eighteen years of age, is of good 47361
moral character, and is qualified physically and otherwise for 47362
such position. Each driver shall have an annual physical 47363
examination which conforms to the state highway patrol rules, 47364
ascertaining the driver's physical fitness for such employment. 47365
The examination shall be performed by one of the following: 47366

(1) A person licensed under Chapter 4731. of the Revised Code 47367

or by another state to practice medicine and surgery or 47368
osteopathic medicine and surgery; 47369

(2) A physician assistant; 47370

(3) A certified nurse practitioner; 47371

(4) A clinical nurse specialist; 47372

(5) A certified nurse-midwife. 47373

Any written documentation of the physical examination shall 47374
be completed by the individual who performed the examination. 47375

Any certificate may be revoked by the authority granting the 47376
same on proof that the holder has been guilty of failing to comply 47377
with division (D)(2) of this section. 47378

(C) Any person who drives a school bus or motor van must give 47379
satisfactory and sufficient bond except a driver who is an 47380
employee of a school district and who drives a bus or motor van 47381
owned by the school district. 47382

(D) No person employed as driver of a school bus or motor van 47383
under this section who is convicted of a traffic violation or who 47384
has had the person's commercial driver's license suspended shall 47385
drive a school bus or motor van until the person has filed a 47386
written notice of the conviction or suspension, as follows: 47387

(1) If the person is employed under division (A) of this 47388
section, the person shall file the notice with the superintendent, 47389
or a person designated by the superintendent, of the school 47390
district for which the person drives a school bus or motor van as 47391
an employee or drives a privately owned and operated school bus or 47392
motor van under contract. 47393

(2) If employed under division (B) of this section, the 47394
person shall file the notice with the employing school 47395
administrator or contractor, or a person designated by the 47396
administrator or contractor. 47397

(E) In addition to resulting in possible revocation of a 47398
certificate as authorized by divisions (A) and (B) of this 47399
section, violation of division (D) of this section is a minor 47400
misdemeanor. 47401

(F)(1) Not later than thirty days after June 30, 2007, each 47402
owner of a school bus or motor van shall obtain the complete 47403
driving record for each person who is currently employed or 47404
otherwise authorized to drive the school bus or motor van. An 47405
owner of a school bus or motor van shall not permit a person to 47406
operate the school bus or motor van for the first time before the 47407
owner has obtained the person's complete driving record. 47408
Thereafter, the owner of a school bus or motor van shall obtain 47409
the person's driving record not less frequently than semiannually 47410
if the person remains employed or otherwise authorized to drive 47411
the school bus or motor van. An owner of a school bus or motor van 47412
shall not permit a person to resume operating a school bus or 47413
motor van, after an interruption of one year or longer, before the 47414
owner has obtained the person's complete driving record. 47415

(2) The owner of a school bus or motor van shall not permit a 47416
person to operate the school bus or motor van for six years after 47417
the date on which the person pleads guilty to or is convicted of a 47418
violation of section 4511.19 of the Revised Code or a 47419
substantially equivalent municipal ordinance. 47420

(3) An owner of a school bus or motor van shall not permit 47421
any person to operate such a vehicle unless the person meets all 47422
other requirements contained in rules adopted by the state board 47423
of education prescribing qualifications of drivers of school buses 47424
and other student transportation. 47425

(G) No superintendent of a school district, educational 47426
service center, community school, or public or private employer 47427
shall permit the operation of a vehicle used for pupil 47428
transportation within this state by an individual unless both of 47429

the following apply: 47430

(1) Information pertaining to that driver has been submitted 47431
to the department of education, pursuant to procedures adopted by 47432
that department. Information to be reported shall include the name 47433
of the employer or school district, name of the driver, driver 47434
license number, date of birth, date of hire, status of physical 47435
evaluation, and status of training. 47436

(2) The most recent criminal records check required by 47437
division (J) of this section has been completed and received by 47438
the superintendent or public or private employer. 47439

(H) A person, school district, educational service center, 47440
community school, nonpublic school, or other public or nonpublic 47441
entity that owns a school bus or motor van, or that contracts with 47442
another entity to operate a school bus or motor van, may impose 47443
more stringent restrictions on drivers than those prescribed in 47444
this section, in any other section of the Revised Code, and in 47445
rules adopted by the state board. 47446

(I) For qualified drivers who, on July 1, 2007, are employed 47447
by the owner of a school bus or motor van to drive the school bus 47448
or motor van, any instance in which the driver was convicted of or 47449
pleaded guilty to a violation of section 4511.19 of the Revised 47450
Code or a substantially equivalent municipal ordinance prior to 47451
two years prior to July 1, 2007, shall not be considered a 47452
disqualifying event with respect to division (F) of this section. 47453

(J)(1) This division applies to persons hired by a school 47454
district, educational service center, community school, chartered 47455
nonpublic school, or science, technology, engineering, and 47456
mathematics school established under Chapter 3326. of the Revised 47457
Code to operate a vehicle used for pupil transportation. 47458

For each person to whom this division applies who is hired on 47459
or after November 14, 2007, the employer shall request a criminal 47460

records check in accordance with section 3319.39 of the Revised 47461
Code and every six years thereafter. For each person to whom this 47462
division applies who is hired prior to that date, the employer 47463
shall request a criminal records check by a date prescribed by the 47464
department of education and every six years thereafter. 47465

(2) This division applies to persons hired by a public or 47466
private employer not described in division (J)(1) of this section 47467
to operate a vehicle used for pupil transportation. 47468

For each person to whom this division applies who is hired on 47469
or after November 14, 2007, the employer shall request a criminal 47470
records check prior to the person's hiring and every six years 47471
thereafter. For each person to whom this division applies who is 47472
hired prior to that date, the employer shall request a criminal 47473
records check by a date prescribed by the department and every six 47474
years thereafter. 47475

(3) Each request for a criminal records check under division 47476
(J) of this section shall be made to the superintendent of the 47477
bureau of criminal identification and investigation in the manner 47478
prescribed in section 3319.39 of the Revised Code, except that if 47479
both of the following conditions apply to the person subject to 47480
the records check, the employer shall request the superintendent 47481
only to obtain any criminal records that the federal bureau of 47482
investigation has on the person: 47483

(a) The employer previously requested the superintendent to 47484
determine whether the bureau of criminal identification and 47485
investigation has any information, gathered pursuant to division 47486
(A) of section 109.57 of the Revised Code, on the person in 47487
conjunction with a criminal records check requested under section 47488
3319.39 of the Revised Code or under division (J) of this section. 47489

(b) The person presents proof that the person has been a 47490
resident of this state for the five-year period immediately prior 47491

to the date upon which the person becomes subject to a criminal 47492
records check under this section. 47493

Upon receipt of a request, the superintendent shall conduct 47494
the criminal records check in accordance with section 109.572 of 47495
the Revised Code as if the request had been made under section 47496
3319.39 of the Revised Code. However, as specified in division 47497
(B)(2) of section 109.572 of the Revised Code, if the employer 47498
requests the superintendent only to obtain any criminal records 47499
that the federal bureau of investigation has on the person for 47500
whom the request is made, the superintendent shall not conduct the 47501
review prescribed by division (B)(1) of that section. 47502

(K)(1) Until the effective date of the amendments to rule 47503
3301-83-23 of the Ohio Administrative Code required by the second 47504
paragraph of division (E) of section 3319.39 of the Revised Code, 47505
any person who is the subject of a criminal records check under 47506
division (J) of this section and has been convicted of or pleaded 47507
guilty to any offense described in division (B)(1) of section 47508
3319.39 of the Revised Code shall not be hired or shall be 47509
released from employment, as applicable, unless the person meets 47510
the rehabilitation standards prescribed for nonlicensed school 47511
personnel by rule 3301-20-03 of the Ohio Administrative Code. 47512

(2) Beginning on the effective date of the amendments to rule 47513
3301-83-23 of the Ohio Administrative Code required by the second 47514
paragraph of division (E) of section 3319.39 of the Revised Code, 47515
any person who is the subject of a criminal records check under 47516
division (J) of this section and has been convicted of or pleaded 47517
guilty to any offense that, under the rule, disqualifies a person 47518
for employment to operate a vehicle used for pupil transportation 47519
shall not be hired or shall be released from employment, as 47520
applicable, unless the person meets the rehabilitation standards 47521
prescribed by the rule. 47522

Sec. 3328.24. A college-preparatory boarding school 47523
established under this chapter and its board of trustees shall 47524
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 47525
3301.0714, 3313.6013, 3313.6411, 3319.39, and 3319.391 and Chapter 47526
3365. of the Revised Code as if the school were a school district 47527
and the school's board of trustees were a district board of 47528
education. 47529

Sec. 3328.27. The board of trustees of each 47530
college-preparatory boarding school shall comply with the 47531
standards for financial reporting adopted under division (B)(2) of 47532
section 3301.07 of the Revised Code. 47533

Sec. 3328.34. (A) For each child enrolled in a 47534
college-preparatory boarding school, as reported under section 47535
3328.31 of the Revised Code, the department of education shall pay 47536
to the school the sum of the amount deducted from a participating 47537
school district's account for that child under section 3328.33 of 47538
the Revised Code plus the per-pupil boarding amount specified in 47539
division (B) of this section. 47540

(B) For the first fiscal year in which a college-preparatory 47541
boarding school may be established under this chapter, the 47542
"per-pupil boarding amount" is twenty-five thousand dollars. For 47543
each fiscal year thereafter, that amount shall be adjusted by the 47544
rate of inflation, as measured by the consumer price index (all 47545
urban consumers, all items) prepared by the bureau of labor 47546
statistics of the United States department of labor, for the 47547
previous twelve-month period. 47548

(C) The state board of education may accept funds from 47549
federal and state noneducation support services programs for the 47550
purpose of funding the per pupil boarding amount prescribed in 47551
division (B) of this section. Notwithstanding any other provision 47552

of the Revised Code, the state board shall coordinate and 47553
streamline any noneducation program requirements in order to 47554
eliminate redundant or conflicting requirements, licensing 47555
provisions, and oversight by government programs or agencies. The 47556
applicable regulatory entities shall, to the maximum extent 47557
possible, use reports and financial audits provided by the auditor 47558
of state and coordinated by the department of education to 47559
eliminate or reduce contract and administrative reviews. 47560
Regulatory entities other than the state board may suggest 47561
reasonable additional items to be included in such reports and 47562
financial audits to meet any requirements of federal law. 47563
Reporting paperwork prepared for the state board shall be shared 47564
with and accepted by other state and local entities to the maximum 47565
extent feasible. 47566

(D)(1) Notwithstanding division (A) of this section, if, in 47567
any fiscal year, a college-preparatory boarding school receives 47568
federal funds for the purpose of supporting the school's 47569
operations, the amount of those federal funds shall be deducted 47570
from the total per-pupil boarding amount for all enrolled students 47571
paid by the department to the school for that fiscal year, unless 47572
the school's board of trustees and the department determine 47573
otherwise in a written agreement. Any portion of the total 47574
per-pupil boarding amount for all enrolled students remaining 47575
after the deduction of the federal funds shall be paid by the 47576
department to the school from state funds appropriated to the 47577
department. 47578

(2) Notwithstanding division (A) of this section, if, in any 47579
fiscal year, the department receives federal funds for the purpose 47580
of supporting the operations of a college-preparatory boarding 47581
school, the department shall use those federal funds, not 47582
including any portion of those funds designated for 47583
administration, to pay the school the total per-pupil boarding 47584

amount for all enrolled students for that fiscal year. Any portion 47585
of the total per-pupil boarding amount for all enrolled students 47586
remaining after the use of the federal funds shall be paid by the 47587
department to the school from state funds appropriated to the 47588
department. 47589

(3) If any federal funds are used for the purpose prescribed 47590
in division (D)(1) or (2) of this section, the department shall 47591
comply with all requirements upon which the acceptance of the 47592
federal funds is conditioned, including any requirements set forth 47593
in the funding application submitted by the school or the 47594
department and, to the extent sufficient funds are appropriated by 47595
the general assembly, any requirements regarding maintenance of 47596
effort in expenditures. 47597

(E) The department shall reduce the amount paid under 47598
division (A) of this section, that is not included in the per 47599
pupil boarding amount, to reflect payments made to colleges under 47600
section 3365.07 of the Revised Code. 47601

Sec. 3333.041. (A) On or before the last day of December of 47602
each year, the chancellor of the Ohio board of regents shall 47603
submit to the governor and, in accordance with section 101.68 of 47604
the Revised Code, the general assembly a report or reports 47605
concerning all of the following: 47606

(1) The status of graduates of Ohio school districts at state 47607
institutions of higher education during the twelve-month period 47608
ending on the thirtieth day of September of the current calendar 47609
year. The report shall list, by school district, the number of 47610
graduates of each school district who attended a state institution 47611
of higher education and the percentage of each district's 47612
graduates enrolled in a state institution of higher education 47613
during the reporting period who were required during such period 47614
by the college or university, as a prerequisite to enrolling in 47615